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Political Philosophy
from Plato to Burke

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HISTORY
of
POLITICAL PHILOSOPHY
from Plato to Burke

BY

Thomas I. Cook

B.Sc. (Econ.), London

Assistant Professor of Political Science

University of California at Los Angeles

Los Angeles, California

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TO THE MEMORY OF THE GREAT THINKERS
HEREIN DISCUSSED, AND TO THE INSPIRING
TEACHER WHO BY HIS OWN SPELL FIRST
MADE ME FEEL THEIRS, HUMBLY, IN GRATI-
TUDE, AND WITH APOLOGIES FOR MY OWN
FAILINGS IN COMPREHENSION AND SCHOL-
ARSHIP.

Preface

ANYONE who proffers a new textbook on an old subject, without benefit of the excuse that the subject matter has changed or been considerably added to since earlier works appeared, is manifestly required to justify his course.

The determination to write this book arose out of criticisms and complaints of American undergraduates, made over a period of five years in a course on The History of Political Ideas presented by me in Columbia College. These were confirmed and clarified during the past academic year, when the book was taking shape. They came in the main from intelligent and interested students, who gave their reasons for finding existing texts, which I recommended, inadequate and who occasionally suggested how the inadequacies might be remedied.

The American undergraduate, frequently taking a diverse program of courses, desires the haven of a textbook. Unlike his English *confrère*, he does not specialize from an early age, and even in his college years does not select and work in a major subject until his Junior year—and not always and everywhere then. Hence he needs an introduction that is clear, sufficiently full in content, and lacking in that use of learned or literary allusion that frequently marks English writing. He does not want to be flattered as already of the *cognoscenti*: at best he hopes ultimately to enter their august circle. His textbook is only his first step along that difficult path.

Believing, therefore, that a gap existed, I have endeavored to fill it as completely and fairly as possible. It is the task of the textbook writer to present problems and raise questions, to promote a sceptical attitude and encourage the inquiring mind. Eclecticism, though often condemned today as a cowardly avoidance, seems most calculated to do this. Granted that no one can reach that mirage of scholars, complete objectivity, one must present the philosophy of other men as fairly, and even as favor-

ably, as possible. Beyond that, it seems desirable to suggest both the value and the difficulties of all viewpoints.

Yet in so doing one's own philosophy of life necessarily enters. My convictions, so far as I am conscious of them, include the following: I insist, above all, that philosophy is philosophy and not pure science; that the social studies are part thereof, and hence that they are normative, concerned with the problems of ends and values. I reject, that is to say, the pragmatic approach.

While aware of the significance both of the economic bases of different societies and of the economic position of persons within them who may philosophize, I do not accept the view that economic conditions are, generally, all-important, or that thinkers develop their ideas purely in terms of class or personal experience. Nor does it seem to me that philosophies are simply rationalizations. Biological and psychological factors may limit intellectual insight, and pure reason is beyond human attainment; but it is probably dangerous to interpret the ideas of great philosophers simply as consequences of what happened to particular human organisms.

As to arrangement, I have usually opened my treatment of each figure with some biographical material, in order that students may become aware that those whose ideas they study were flesh-and-blood creatures who shared normal human experiences. Many of the political philosophers had quite exciting lives, and it is peculiarly unfortunate for students to assume that they were dull persons, forever burning the midnight oil, surrounded by ponderous tomes—or worse, to conceive of them simply as names, pegs on which ideas are hung. With a view to making them human I have also introduced a dozen portraits of certain of the most distinguished among them, remembering well how curious I was as a student to know what these profound thinkers looked like.

I have then tried to indicate briefly both the political and the social economic background against which the different figures lived and to make clear the issues with which they were concerned. For the Greek and medieval periods I have also

given introductory chapters, since the institutions and ways of looking at things in those days are not always familiar to the student.

The core of each chapter, however, consists of exposition of the tenets of those discussed, and in the case of major thinkers of the arguments they used. I have also suggested the significance of the problems debated and the value and relevance, in terms of current affairs, of the arguments used. I have tried, too, to make clear the similarities of the arguments of various philosophers—but without undue stress on “influences.” Nevertheless, it has seemed worth while to show how the views of some thinkers have lived and worked.

For encouragement in this work and for critical assistance I owe thanks to many teachers and colleagues. The first obligation in time, as well as in extent, is to Professor H. J. Laski, from whom I received my early training in political philosophy, and who has since advised and befriended me. Professor R. M. MacIver aided me greatly with general suggestions and advice, as well as by reading chapters on Bodin and Hobbes. The undertaking of this work is due to Professor Schuyler C. Wallace, who in its course has proved a constant friend and patient guide. He also read my chapter on Colonial America.

To the following colleagues and friends I owe thanks for the reading of particular chapters: Dr. Neil C. Van Deusen (Plato); Mr. William F. McDonald (Aristotle, St. Thomas Aquinas); Dr. Moses Hadas (Roman Thought); Professor Irving W. Raymond (Introduction to Medieval Thought, Hierarchical Theory); the late Professor Parker T. Moon (Hierarchical Theory, Conciliar Movement, Jesuits and Dominicans); Professor Charles W. Cole (Bodin, Monarchomachs and Politiques, Burke); Professor Philip C. Jessup (Grotius); Dr. Shepard B. Clough and Mrs. Rosa Clough (Machiavelli); Professor Thomas P. Peardon (Machiavelli); Professor Robert Schuyler (Seventeenth Century English Thought, Burke); Professor Roland Pennock (Montesquieu, Rousseau); and Dr. Jacques M. Barzun (Voltaire).

I am indebted, further, to my old student Mr. Raymond Horowitz for reading the whole manuscript and suggesting

to me possible undergraduate difficulties, as also for helping me in the preparation of the bibliographical notes.

I should also like to thank the Editorial Staff of Prentice-Hall, Inc., for their uniform kindness and helpfulness during the publication of this book.

Last, but by no means least, I am grateful to my wife, Anne P. Cook, for varied help and repeated encouragement through all the preparatory stages of this work.

T. I. C.

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History
of
Political Philosophy
from Plato to Burke

CHAPTER I

Introduction: the Nature of Political Thought

WHILE we have no political theory of a coherent character produced by ancient or contemporary primitive tribes and societies, political philosophy seems to have emerged very soon after the development of settled states and complex forms of government. This raises the question, what is the relationship of political theory to practical politics? Today there is some tendency to treat political philosophy either as the airy dreamings of closet thinkers, or as the rationalization either of what government does or of the material motives supposedly underlying both the support of and the opposition to it.

Political theory is indeed a part of politics; and political activity cannot be understood, and in sophisticated societies, at least, could not be carried on, without it. Yet the precise relationships are not always clear. Sometimes philosophies may be developed deliberately as justifications of particular interests or particular actions by men in power, or seeking to get into power. Yet even then their authors make their appeal in terms of some more or less rational values.

It may be that they do so to disguise the reality of interest, but the necessity for the profession of somewhat less narrow and selfish ideals and for the appeal to principle suggests that men have certain aspirations and certain schemes of ethics which go beyond the justification of self-seeking.

Political theories, however, often proceed from a more conscious judgment in terms of metaphysical and ethical principles derived from rational contemplation in the attempt to discover the purpose of man and the nature of the social organization necessary to allow him to fulfill that purpose. The resultant

schemes of value are, of course, not entirely unconnected with the particular environment and with the experience of the individual author. Yet they may be, and in the case of many of the greatest philosophers are, motivated by a desire to transcend that environment, to view it *sub specie aeternitatis*, as well as to remove the defects of political organization, discovered by reasoning that is not simply directed to the greater satisfaction of individual or group at the expense of others. In the history of political ideas, one may, indeed, discover utopias, schemes of government seemingly developed without great reference to the existing society and to the immediate irrationalities of living men. Yet even here there is an evaluation of what is in terms of what ought to be, and not simply idle dreaming.

Moreover, political theories are not entirely without influence in terms of political practice. While the ideals propounded may never be achieved in all their purity, and while bad government may be a frequent experience of mankind, it is nevertheless true that practical programs are formulated and modified and that revolutions take place in terms of views on such subjects as rights and liberty. Those views doubtless sink into the popular mind in a simple, and often confused, form. Yet they descend from the more coherent philosophies, some of whose proponents form the subject matter of this book.

Even granted that political philosophies may influence practical affairs, this of itself provides no clear and direct reason for studying the ideals and plans of government of persons now long dead. There are, however, two perfectly good reasons for such study. On the one hand, there is in human societies a certain lag in ideas: a new model of an automobile gets adopted within a few weeks, and even a new type of house construction will probably achieve acceptance, if at all, within a few decades. Ideas, however, take longer to become familiar and integral parts of a culture, and, at the same time, have not the same obsolescence as things material. Secondly, while the scale of life changes from age to age, the essential ends of social organization change little, if at all. The institutional settings in which attempts are made to achieve these ends do, indeed, differ from time to time, and particular conditions of the moment may cause

thinkers to place emphasis on one concept rather than on another. Nevertheless, one will find running throughout political philosophy the basic idea that the problem of government is the problem of the organization of man as a social animal for the good life, however differently that life may be interpreted in different periods.

Such differences in interpretation are not solely the result of immediate problems. Thinkers also have various, and often highly divergent, views as to the nature of the human animal. These views, not unnaturally, in turn influence their theories of the state. Some insist that man is basically good. Therefore the restraints imposed by social authorities, and particularly by the state, are unnecessary and should be removed. Others think he is bad. Hence he must be controlled by the iron hand of authority. Perhaps the majority would hold that he is a mixture of both, that government is necessary to prevent disorder, but that it also has the function of promoting well-being and creating a setting in which the good in men may thrive.

In addition to these differences in opinion about men in general, there occur also distinctions between men in terms of intellectual ability, wealth, or birth. A majority of the thinkers taken up in this volume do not profess, as do modern democrats, a faith in the wisdom, or in the capacity for developing wisdom, of the mass of mankind. Accordingly, they argue that the wise, the rich, or the well-born should rule and that the masses must be restrained lest anarchy supervene. Nevertheless, most of even these thinkers admit that government must be for the good of the whole, and very frequently, that the ruled are the ultimate judges of the performance thereof.

Whatever the differences in viewpoint, however, the same questions arise and the same attitudes reappear time after time. Basically they turn around the conflict of coöperation and self-interest. Unless men had some capacity to coöperate, societies would not exist, while, if they lacked short-sighted self-interest, coöperation would be voluntary and perfect. Yet we know that in fact societies do exist and thrive. We know also that conflicts within them continue. The existence of such con-

licts has been recognized and the search for a harmonious solution of them has been carried on from time immemorial. Political philosophers propose solutions to these conflicts in terms of schemes of values. Yet, in another sense, they also provide ammunition for the contestants.

The state itself, which is the central theme of political philosophy, arose, no doubt, as an organization to deal with this problem, to secure order, and to promote positive social coöperation. Its precise origins are clouded in mist, and scholars have for long fought over whether it originated from force, from economic power, from intelligent recognition of the need for organized compulsion, from unperceived growth, or from a combination of these and other causes. It is true that many political thinkers themselves devote considerable attention to the question of origins. Yet, for the philosopher, the vital problem is not that of origin, but that of purposes and of ends. Indeed, the central theme of political philosophy is in a very broad sense the justification, scope, and limits of the state's authority and the functions it may perform and ought to perform.

While countless attempts have been made to define the state, few, if any, of them are very illuminating. The subject matter of political thought can perhaps best be indicated to the student by setting down some of the questions that political philosophers ask.

The source and basis of political authority. The first and most simple question is, who has the right to rule, to govern his, or their, fellow men, and why? Are particular persons justified in claiming authority over their fellows because the would-be rulers belong to some priestly caste, perform rites essential to the well-being of the group? Does political authority derive from paternal authority, and is the mere fact of birth a sufficient justification for a claim on the part of a particular person to hold kingly office? May certain groups rule over their fellows because they as a class claim blue blood? Does the possession of property above the average give sanction to the demand for authority over one's fellow men, or to particular weight in the councils of the nation? Are peculiar abilities the basis on which certain persons ought to be allowed to control the state's

machinery? If so, in what do those abilities consist? Do they rest, as Plato thought, on the capacity for philosophizing, for discovering and contemplating eternal truth? Or do they rest on the power to administer the complex machinery of societies with efficiency? Or, again, is the mere power to seize and hold the machinery of government and to carry on state functions, to legislate, to execute, and to judge, of itself a justifiable basis of authority? Does God in some peculiar way designate chosen persons to rule over their fellows? Has He given kings, not simply to Israel, but to the whole world? Or does authority rest rightfully in the people, and should they exercise power, either directly or indirectly, through officers? Or, if it does not rest directly with them, is it ultimately lodged with them in the sense that they are the judges of what is done by those whom they have trusted or who rule on some other basis?

The necessity for political authority is generally recognized, though one frequently finds proposals for voluntary and co-operative commonwealths, with at most informal or local organization possessing little real power to apply sanctions. Even in such cases, however, the denial of the necessity for authority usually arises rather from disgust with the behavior of those who at the time hold power than from a conviction that no political authority whatsoever is necessary.

The scope and limitations of authority. More generally such disgust, as well as philosophic inquiries into the nature of authority, leads to a defining of the limits of political power. Here the first question is, are there any limits, or should there be? Is the basis on which authority is held a justification for whatever authority does? Is ultimate authority in the hands of the one having immediate legal power? Is authority to be judged in terms of its source or in terms of its function? Who are the judges, and why? Are the people competent to pass judgment in terms of their abilities, or of their experience? Is God the sole judge? If He is, does He judge directly, or are there institutions such as churches that embody His will and interpret His commands on earth? Has the individual any claim to a sphere of freedom where authority may not touch him? May he resist the state in terms of conscience or of interest? Is there any

criterion by which the legitimacy of resistance in terms of conscience can be measured?

The nature of individual and group rights. Has the individual any rights against the state? How does he get them? Do they come from God, from a rational and orderly nature, from the mere fact of human existence, or are they simply what some constitutional provision guarantees? Similarly, have groups any claim as against the state? May a religious body, a church, resist the latter in terms of a conviction that the sphere of the state is limited and that, when it either goes beyond that sphere or fails to fulfill a purpose within it, measured by some non-material criterion, resistance is justified? Have other groups, such as the burghers, the nobles, or the common citizens, the right to resist on the ground that the state's activities harm them or render their existence meaningless? Who is the judge of harm, and what are the measuring rods? Is order heaven's and earth's first law? Must men submit to any tyranny for fear of anarchy? Or are the vision of a perfect society and the existence of an organization to promote its attainment the justification of any resistance, no matter how revolutionary or violent, to the existing powers? Where are the precise lines to be drawn? Is there any sphere in which individuals may claim that authority may not touch them, that they alone are, and can be, the judges of their thought or actions? Should there be complete freedom to think as one likes and to express one's thoughts, or should the rulers alone say what is to be thought and taught?

Obligation to the state and the state's law. What duties have individuals and groups towards the state? Are the past performances of the state and the benefits one has received therefrom the basis for accepting whatever it does now, or may do in the future? Or is it one's duty to obey only so far and so long as one judges the state's work good? Are particular commands to be judged of themselves, in terms of the legal scheme as a whole, or in relation to the total social situation? Is there a duty to obey all laws made by the duly constituted authorities of the moment just because they are authorities?

Does the basis on which authority rests change the obligation

of the individual towards it? Is the obligation towards a majority or its representatives different from that towards an absolute monarch or an oligarchy? Has the majority itself any rights different from those of lesser groups? Have minorities always a duty to obey? Can there be a conflict in terms of conscience between duty towards government and duty towards God or church? How is that conflict to be solved? Must the assumption always be made that the state is the sole earthly authority, or must one, on the other hand, accept the doctrine that it is a very limited authority, to which others are superior?

The ethical foundations of state power. Has the state, that is to say, apart from the physical power at its command, any moral claims on the citizens? Are there limits to those claims? Must it provide channels of consent to justify its authority? If it rests purely on force, on police or army, does the existence of that force change the rightfulness of disobedience, as distinct from the expediency thereof? Has the state itself duties whose non-performance destroys the moral basis of its power? Does sovereignty exist in the state? Is this power merely a formal and nominal right to give commands in the form of laws, or are those commands the products of those endowed with authority to whom resistance is the deepest of crimes?

Principle as a criterion of political authority. Have those in authority, whether kings, magistrates, or representatives, the right to command according to their own sweet will? Is there a higher or natural law above and beyond them by which they are bound? If so, what is this law, and how is it discovered? By reason, or by faith, or by some other process? Do any institutions exist to enforce the observance of such a law? If so, what are they and whence do they get their authority? Are priests, or the rich and the well-born, or the leaders of the oppressed poor, or the masses themselves the rightful interpreters of such a law?

The fundamental claims of the individual: liberty and rights. Do men possess certain natural rights under that law? What are they? Is there a fundamental right to life, or to liberty, or to property, or to work? Whence do any or all of them derive? Are such rights the same in all ages, or do they perchance differ

from age to age? If they do, are they all equally the products of the same scheme of values applied under different conditions?

The meaning and source of law. What is law itself? Is it an act of will on the part of certain determinate persons in the state who are endowed with an unquestionable authority or does it consist in principles of right reason, and how, if so, is right reason to be recognized? Or is the law the embodiment of fundamental truth? Is it the will of God contained in some book or interpreted by some organization? Is it perhaps the combination both of normative and of positive elements, gaining its authority from basic principles, but requiring promulgation and sanction to make it effectively binding on subjects?

The relation of the state and other groups. Is the state the one social organization that has a right to exist? Do other organizations exist by its positive permission or its tacit consent, or do they have rights of their own? To what extent should they take part in political activities and endeavor to exercise pressure on the state itself? Do churches, for instance, exist by the will of the state, and has the state the right to determine the religion of its inhabitants, or do they exist as groups in terms of their purposes regardless of the will of the state? What should be their attitude towards a state which persecutes them, or towards the state which does not accept and enforce their truth on others? Are they justified in calling the state to account, in disobeying some or all of its laws, or in sanctioning revolts against it? Have other groups claims similar to those of the church, or is their basis different?

Property and the state. What justification, if any, is there in society for individual private property, or for slavery? Are these the creations of the state, or do they arise independently of it, yet require its protection? Is it the duty of the state to sanction and enforce existing property arrangements? Or is it incumbent on political authority to promote equality in the distribution of worldly goods? Or may it perhaps be that the established authorities have the duty of protecting property only with certain limitations and conditions? Have the property owners duties towards society in terms of their privileges? Is it incumbent on them to use their property for the promotion of social well-

being? Are property rights conditional, resting on the performance of function? Has the state the right to subordinate property rights to social well-being? Has it a duty to limit acquisitiveness? Or is its prime purpose to guarantee opportunities for acquisition and to protect the successful?

Equality and politics. Are human beings equal, and in what respects? Are they, on the other hand, fundamentally unequal? Does general inequality, or do certain specific inequalities, in gifts justify inequalities in political authority, in social prestige, in income? Or do men on the other hand have some claim to equal consideration in the making of social and political policies despite their inequalities? Do they have a claim actually to share in the making of decisions, to an equal vote? If so, on what ground? Is it because the decision influences them as well as others, or because a better decision from the point of view of the whole society will be made in that way, or because it will be easier to enforce the decision when made? Have men a right to equality before the law, in court, apart from their possession or non-possession of equal political rights? More fundamentally, is it the duty of the state to promote equality in as many respects as possible, in civil and political rights, and also in possessions? What are the connections of these different kinds of equality? Can any of them be effective alone, and to what extent? Does the refusal to grant equality, or to reform society so as to produce it in one or all of these aspects, justify resistance to the state? Does it justify attempts to set up a new governmental machinery either by constitutional or by revolutionary means? Once more, how are such ends, even if agreed on, to be achieved?

Inequalities and claims to political power. Alternatively, do men, far from being equal in any or all of these respects, fall into classes in terms of some inequality, whether of intellect, of birth, of wealth, or of various kinds of opportunity? To what extent do such inequalities justify differences in their treatment by government? Are they germane to politics, and in what way? Is it the duty of the lower ranks, defined in terms of one or more of these criteria, to accept existing conditions without repining? Should the state sanction or promote such distinctions? Should

it guarantee opportunities for the individual to change his class? Or is it perhaps the purpose of government to eliminate distinctions of class, political, economic, or social?

The extent of the state's functions. Is the state simply an organization for preserving order and preventing crime, a police and military state, or has it more positive functions? Is it its duty to promote the economic well-being of its citizens, and how is it to do this? Is it to be an umpire between interests or a partisan of particular groups? Has the state the duty to provide education for its members? Is it above all an educational institution? Has any other group, such as the church, a just claim to educate its members as it pleases, either in particular respects, or generally, regardless of the state? Is it desirable for the state to promote a better race of men? May it for this purpose adopt eugenic policies, interfering with the private lives of its members, and perhaps even denying certain of them the right to live? Has it, on the other hand, the right to decide that its citizens shall not artificially limit their offspring on the ground that such action will lessen the amount of population and weaken the state?

The state and war; the duty to bear arms. Has the state any cultural mission? Is it justified in making war at all, and are there any limits to its right to do so? May it, when it has declared war, adopt any means it desires in carrying on that war? Has the individual any right passively to resist, to refuse to fight, either under any circumstances or in a particular situation? Or has he the duty of bearing arms, lest his defection and his example weaken the state and lead either to its being conquered, or at least to the prolongation of its struggle? Has he, perhaps, a duty to fight on the ground that bearing arms is an essential function of citizenship?

The international community and the state. Is there, beyond the state, some wider unit, such as the brotherhood of man, to which men owe a superior allegiance? Is there any law limiting the state's activity vis-à-vis other states, and what is the nature of that law? Is the state itself but a stage in human development, or is it the final form of organization?

While these questions suggest only some of the leading prob-

lems of political philosophy, and while not all of them are dealt with by all thinkers, it will be found that they have all had a fairly continuous history from Greek times to the present. They present themselves, indeed, in different ways and are discussed in terms of different assumptions. Yet essentially they remain the same. While the different proposed solutions of them are many and vary greatly in their detail and development, the basic points of view from which those solutions spring are few. Further, while some novelty emerges in the course of the history of political ideas, it is largely the result of extreme emphasis in one direction or another. The essential questions were raised by the Greek philosophers, and the main alternative answers were suggested. In political philosophy one may well doubt whether there has been any real progress, at least as far as the fundamental norms are concerned. Hence the following pages, while arranged in terms of periods, are not designed as a chronicle, nor yet as a story of progress, though there is, of course, development. Rather it is intended to show how particular answers to certain individual questions given above arose from more general schemes of values and were parts of wholes. While individual questions do, of course, arise from particular political issues, without immediate or conscious reference to more general schemes of values, they can be answered effectively only in terms of more general attitudes. None of them have meaning when they stand alone. In what follows, therefore, there will be found analyses of syntheses, rather than vice versa. The object in view is to show how different basic assumptions led to different answers to specific questions and to suggest the values and the difficulties, the truths and the errors, involved in those assumptions.

CHAPTER II

The Background and Beginnings of Greek Political Thought

The Environmental Background of Greek Politics

GREEK political thought was a direct product of the special conditions of Greek society, which contrasted with those of the surrounding empires. It was no doubt largely from this contrast that there arose that wonder which one of the Greek thinkers himself insisted was the beginning of philosophy.

Who precisely the Greeks were is not clear, and to admit that they belong to the Indo-Aryan races is not very revealing. The classical Greeks that we know were certainly not autochthonous. Greece had been the home of an earlier civilization long before they came to the land. It seems probable that they themselves settled in Greece as the result of a wave of migration from the East, taking place over a considerable period of time. Each new group of immigrants drove those already settled further south, until the whole country was inhabited insofar as it was habitable. It seems fair to assume that the geographical factor was an original determinant of the nature of Greek life as we know it. Apart from the Peloponnesian plateau, the country was cut up into a series of small valleys, with rugged, barren mountains separating them, and with a limited number of passes. The valleys themselves were fairly fertile, and it was natural that they should become population centers; while in the beginning lack of communication doubtless acted as a barrier to the establishment of any centralized monarchy or empire.

Thus the foundation for the city-state was laid. That state was originally tribal in character. Its social organization was determined by two things, the need for the means of existence and the need for protection. Agriculture became the characteristic Greek activity and so remained throughout classical times, despite the gradual appreciation of the uses of the sea and the development, at least in Athens and the Ionian colonies, of sea trade and sea power. The city itself normally originated as a means of defense, and was in the beginning little more than a fortified hill where men might withdraw and defend themselves in times of invasion, and where they might safely locate their treasure in the temples of their gods. The acropolis, indeed, remained always the center of the city and the home of its great public buildings. It also developed the function of a meeting place, not simply in time of emergency, but for formal and ceremonial occasions. On its slopes and at its base there gradually grew up, for convenience, the homes of its citizens, a tendency perhaps given impetus as economic inequality increased and it became less necessary for some individuals to spend all their time on their land. Where the city was located on the sea and had harbors, it was also doubtless developed as a center of trade and industries.

The City-State

Whatever the precise reason for the growth of the city, it always remained as a part and center of the surrounding country, and in Greece we do not get that conflict of town and country, or that divorce of a city from its hinterland, that marks our own civilization. The Greek was a citizen, but he never became civitified. Access to the country was easy, and his interests usually gave him an intimate connection with its life. Similarly, those who lived farther from the built-up city did not consider themselves as apart from, or opposed to, it. Rather, they came to it frequently and regarded it as a central part of their lives. A citizen was one having a share in the whole community, aware of and concerned with the change of seasons, but never divorced from the civilizing value of contact with his fellows. This was

true even in Athens at the height of its power, despite the development of paid citizens whom we often consider a city proletariat. Apart from slaves, it was only the resident aliens, the Metics, the chief traders of the city, who lived in it but were excluded from half of its activity.

To the Greek, then, the state was a city, but the city itself was at once town and country, thus providing the possibilities of a well-rounded life with abundant contact both with men and with nature. The Greeks appreciated this full and well-rounded life; and, if geographical circumstances determined the growth of the city, a conscious realization of its value, whatever its military and economic limitations, may be said to have prevented any general development of wider units of government.

At that time such units were empires ruled by despots, with vast hordes of subject peoples who had no political life and were essentially subjects. It is not to be wondered that the Greeks, living in a society where men knew their neighbors and shared in a vast range of common enterprises, political, social, intellectual, and economic, should have feared the dangers of bigness and should have consciously preferred their own intense, if small-scale, civilization.

For the city as they knew it was neither city nor state in our sense. It was not on the one hand an urban aggregation. It was not on the other a distant government with authority remote from the mass of men and impinging on only a part of their activities. Rather, it was a complete social organization in which all participated continuously. It included, indeed, government, though at its best this was a genuinely democratic government as far as the citizens themselves were concerned. Men might be subject to laws, but they debated about their making, at the same time that they voted for or against proposals. They also heard and decided cases arising under the laws. Government was not to them simply the policeman, the magistrate, or the political boss. Indeed, the functions of the first of these were performed by slaves owned by the city, at least in Athens. Insofar as they existed, the functionaries of government were servants of the people, and as such merely enforced the law.

The arrogance of officialdom, so well-known to most moderns, was not a normal and expected feature of everyday life.

While the city was political, politics covered all social problems, and government was not confined to a certain sphere which excluded perhaps the greater part of life. Yet, because men shared in it and determined its policies, it was far from being the totalitarian state as we understand it.

Nor was the city only a governmental organization, even in this broad sense. It was also a religious body and a social club. This, too, needs some explanation. Religion itself was not a matter of theological disputes or of orthodoxies established and enforced by the state. Rather, it was primarily a civic function. The gods whom men were required to worship were the deities who protected the city; and even these were given ceremonial worship publicly as symbols of the city's unity and glory rather than as persons who must not be offended by departure from a creed or set of moral rules. Scepticism as to the ultimate aim of existence was allowed, and, provided it did not lead to anti-social views or behavior, it was permissible to examine into ethical problems and beliefs. Indeed, the Greeks were not in our sense religious at all, possessing almost no feeling of a vast and transcending universe or of the nothingness of the individual man and his mind. Rather they had a conviction of the greatness of men's minds, and were given to using their own, to inquiring into any question that presented itself, a fact which helps to explain the vastness of their intellectual contribution. Religion was simply the ceremonial worship of the established deities of the city as a means of expressing one's sense of unity with one's fellows, of acknowledging one's pride in, and admitting one's duty towards, the intense and all-embracing partnership to which one belonged. It is true that the Greeks also developed the Mysteries, which were more like religions in our own sense. But these were not compulsory, membership being a matter of individual preference. These mysteries, indeed, and in particular the Oracle of Delphi, were shared by all the Greeks without distinction of city, and they constituted one of the few ties that men might have beyond the confines of the city.

The Greek city was a club, though it must not be interpreted as a club in the sense of our exclusive organizations where men go to escape from the common world and often sit for hours in quite unsociable silence. Perhaps it would be more accurate to compare it with a college, where people get to know one another and take part in a whole round of activities, both intellectual and social, both formal and informal. One would know a fairly large number of people well, and would at least recognize a great proportion of one's fellow-citizens, while the leaders would be known to everyone in an almost personal way, like a football captain or the president of a student council, rather than like a senator or cabinet member. Men there walked, talked, and played together in an informal society, and came together also for the formal discussion of public affairs and for worship.

The Greeks had no conception of that opposition of citizen and state which is so frequently felt and expressed in our own world. Hence again the analogy of a college may be useful: we do not hear discussions of the student against the college, and certainly the terms student and college are complementary rather than antithetical. It is in this sense that the citizen and the state are identified in Greece, and not by the submergence of the individual nor through his sacrifice to the state. He is a partner in it rather than a passive part of it, and its existence is not a denial of his individuality. To the Greeks, the idea of the individual versus the state would have appeared almost meaningless. Most certainly, they would have held that it rested on a false doctrine of individualism. By the same token, they would have felt that the totalitarian idea of the state involved an improper denial to the claims of individuality.

The Greek, as we have noted, had no feeling that the individual was slight. Not only was he not abashed in the face of the vast external world: he had no sense that he should bow down before a mystically conceived state. He had a reverence for law, but he had it as a political animal who shared in public affairs and helped to make laws. He felt no duty to renounce self or to bow and scrape with extreme humility before an imposed authority whose right to power was beyond examination.

Indeed, he despised barbarian masses largely because they behaved thus. The world of the Greeks was a small world, and the understanding of it led to a sense of the greatness of man, who might penetrate its secrets, rather than to a feeling of awe because of its wonders. The typical Greek possessed little of our sense of the infinity, either spiritual or spatial, of the universe. He had none of the Christian conviction that man was a fallen creature requiring redemption, and requiring also an imposed discipline to conquer this evil nature. Lastly, while he did admit that the city-state existed beyond the lives of individual men, he did not infer therefrom that it existed for ends different from those of individuals and had an independent life of its own. The citizen, of course, had duties towards the organized community that constituted the city-state. But these duties were owed that it might more adequately fulfill the needs of all of its members. It existed to grant him freedom to attain the good life which was possible only within its confines. It did not embody an ideal of the good life which excluded him or sacrificed him regardless of his desires. The latter view of the state was that practiced by barbarian despotisms, which failed to equate man and citizen. To it, the Greek opposed the doctrine of free citizenship in a self-governing community. Though at times tyrants did spring up within the city-states, there were few, if any, apart from those who gained by tyranny, who considered such a government desirable. Indeed, however sceptical the Greeks may have been, they seem to have been almost unanimous in condemning tyranny as the worst perversion of government. They objected to it because it was arbitrary and irrational, and they insisted that a proper government was a government by law that was based on reasonable and defensible principles and that at least allowed men to calculate on the future. Their worship of the state did not arise from a blind love of power, but from a belief that the social organization of the city-state provided them with the means to pursue a whole variety of different ends in a harmonious way.

That it was possible both to formulate and to hold to such a conception is perhaps not unconnected with that integration of town and country life that we have noticed, and with the ab-

sence of great industrial development. Trading was in the hands of foreigners, and the mines, owned by the city, were worked by slaves. While, in the course of time, the city did increase in wealth, it was only in the case of Athens that the rapidity and scale of this process constituted a major element in the city's history. Even here that wealth was largely the result of public undertakings in the form of imperialism. Citizens were still interested in the more static life of agriculture, and a large-scale industrialism did not develop. It is the growth of private opportunities for profit and the necessity for dealing with the conflicts between those extremely unequal in wealth, combined with the problem of the disinherited proletariat without access to the means of production, that have led in a later world first to the sense that the state is not all-inclusive, and then to the desire to make it a complete master. The Greeks were not unaware of the connection of property and power, but, because their economic world was not dynamic and rapidly changing, they did not have to consider the later problems of the relation of individuals and groups to the state. The state, despite the struggles of factions and the dissensions over the distribution and ownership of land, could be comparatively harmonious, and both its size and the stable way of life on which it rested tended to emphasize at any rate the ideal of harmony as its essential object.

It has frequently been stated that the vast extent of slavery in the Greek city-state was a further cause of its united life in that the citizens were a minority, that they had considerable leisure, and that, until a comparatively late date, they were in the main a middle class with what we should today call private means. It is inferred that they were held together by a common interest and fear and by an essential similarity of social position. However plausible such an explanation may seem, modern investigation has shown that it is untrue. Apart from the silver mines, there was very little use of slaves for large-scale exploitation as we understand that term. The city itself did indeed own many slaves who performed a variety of lesser administrative functions. For the rest, there were few people who owned any considerable number, at least in Athens, and many citizens, if not the ma-

jority, owned none at all. The private slave was typically an agricultural laborer, and he worked with or under the direction of his master on a fairly small estate. It was not the fear of slaves, nor yet freedom from the need to work owing to their existence, that formed the foundation of the unified city-state life. It was rather that agriculture, with its standardized and unchanging routine, constituted a common foundation and a common experience. The slave was, of course, a slave, lacking both freedom of person and civic rights, but he was not a plantation negro or an industrial proletarian; and certainly slaves did not constitute a vast majority of the population. Under Greek economic conditions, slaves in such numbers would have been a white elephant rather than a blessing. Greek democracy may have been limited, but it cannot rightly be conceived of as government by a minority caste. This remains true even if we accept the thesis that in the city itself craftsmen and artists were usually assisted in their workshops by several slaves. It cannot, however, be denied that, had there been no slaves, Greek government and Greek life might have taken a very different form, and that the immediacy of the struggle for existence would have left less leisure for speculation and for public discussion. The production of works of art might also have been less extensive, while those works would probably have been less large in scale.

Similarly, one has to recognize the importance, at least in the case of Athens, of the resident aliens, the Metics. While the success of these gentlemen perhaps tempted citizens away from an older way of life, through the lure of profits, and while the growth of wealth produced by their activities finally made Athens atypical and brought it to ruin, nevertheless the contribution they made gave part of the basis for that good life which the citizen enjoyed, and delivered him from the necessity of performing tasks that might otherwise have distracted him from social and political activities. These Metics were also excluded from citizenship, though in the later days of Athens they formed a considerable section of the population. It may here be noted that the Greek attitude of contempt for foreigners, arising from a dislike of their social and political organizations, was largely instrumental in preserving that integrated city-state of which

we have spoken, particularly since it created a conscious desire not to expand, and reduced foreign policy to the struggle to preserve the city-state's independence.

It may further be added that the decline of Athens flowed, at least in part, from its preservation of the outlook of the city-state at the same time that it undertook the adventure of empire. The general militarism of Greek life, which has so frequently in our own time been made the basis of criticism of Hellenic civilization, was very largely the product of this intense desire for independence. Here, once more, the Athenian adventure is not typical. Patriotism as the willingness to fight and die for the city that has given one so complete a life was very different in character from our modern patriotism. Greeks did value the intensity of their social existence, which was different from that of surrounding peoples, and, owing to the slowness of their power, their independence was perpetually in danger. That they should accordingly have conceived of the good citizen as a good soldier is not unintelligible. The unwillingness of Greeks to coöperate in wider units in the common interest of all was no doubt deplorable. It arose, however, from an exaggerated fear of loss of independence and an excessive pride that would not allow any state to assume an inferior position, even for the welfare of all. The acute danger to Greek independence from the Persian invasion was itself not enough to produce any thorough-going coöperation, and Greece was saved in the main by the heroic efforts of the Athenians.

*The Political Institutions
of Athens and Sparta*

Hitherto we have discussed the nature of Greek society in a rather general way. Yet it is once more necessary to insist that, while it was with Athens that the great philosophers were primarily concerned in their political analyses, Athens was itself not typical. Rather, in their time, it had departed from a type to which they desired it to return. Yet Sparta, from whose institutions they drew so many of their ideas, was even less typical. Athens was a city-state that had grown over-wealthy, had under-

taken imperial responsibilities, and had suffered defeat. Sparta was not a city-state at all. At the time when we first become concerned with its history, Athens was largely tribal in its organization and was suffering from two interrelated problems, the quarrels of tribes and the struggles between rich and poor. Its territory was confined to Attica. It was not wealthy and it was not yet a cultural center. The reforms of Solon temporarily settled the class struggle and brought about a widened basis for government. But inequalities grew up again, while tribal jealousy continued. The basis of the latter was removed by the political organization of Cleisthenes, who also brought further political and economic reforms, thus creating the democracy we know, and destroying, at least temporarily, factional politics.

The defeat of the Persians by Athens brought the city considerable prestige, and at the same time encouraged it to build up its strength as a maritime power by the subjugation and control of the islands of the Ionian Sea and coastal towns in Asia Minor. These were formed into the Delian League, in which Athens was at first merely *primus inter pares*. Soon, however, the city succumbed to the temptation to exploit its allies, and under Pericles became a center of beauty and of culture through their spoliation. When Pericles died, its democracy degenerated, and the ruling demagogues led it into unwise adventures, of which the disastrous Sicilian expedition was the most foolhardy, particularly since Athens was at the time engaged in a long struggle with Sparta, a struggle begun under Pericles. The city was defeated and lost alike in power and prestige.

Athens remained, however, the cultural center of Greece; and philosophers, disturbed by its downfall, were led to examine into the causes thereof. It was largely their love of the city and their desire to save it that stimulated the production of the great works we know. Not unnaturally, they turned to an examination of Sparta, its conqueror, to see what elements of strength it possessed that Athens lacked.

The government of Sparta in classical times was fairly constant, as was its general way of life. It was governed under a code of law traditionally attributed to Lycurgus, a stern code that insisted on discipline and devotion to the state and that was

concerned, above all, with the production of men and women with hard bodies who would make good soldiers and good mothers. Life for the Spartan citizen was the life of barracks, not a home life. He ate in public messes and could go home to visit his wife only by stealth and guile, being punished if caught, while his waking hours were mainly occupied with drills and military maneuvers. His fare was not luxurious and his clothing was light. He was governed nominally by two kings, but actually by ephors, who might best be described as military magistrates.

The foregoing applies to the *Spartiates*, who were the only true citizens. They had under them a considerable subject population, composed of two classes, *Perioikoi*, or dwellers around, the inhabitants of the conquered Peloponnese, and a horde of slaves who not infrequently endeavored to revolt. As a minority governing a subject population, the *Spartiates* probably needed discipline and could not risk the dangers of democratic dissension. But out of this way of life there developed no culture; nor was Sparta characterized by the all-round fellowship of the social city-state. Theirs rather was the fellowship of the barracks, intense but not civilized. The philosophers, concerned with the problem of creating government that was strong and stable without being oppressive, were anxious to introduce Spartan training and Spartan discipline into Athens, while harmonizing it with the wider cultural life of the latter, and giving to it a voluntary aspect compatible with democracy.

But Athens was incapable of reform. Sparta decayed, and the attempt to form the cities of Greece into a confederation, although it produced the Aetolian League, was unsuccessful in gaining the support of Athens itself, despite Demosthenes, so that it succumbed before the discipline and novel strategy of the army of Philip of Macedon. The expansion of Greece had made larger organizations necessary, and, while the city-state long remained a unit in life, it was forcibly coöpted into a wider unit, the world empire. Yet it is to be noted that the empire of Alexander the Great was essentially Greek in its superstructure, as were the empires carved out therefrom by his successors. Secondly, the Roman conqueror of Greece, himself

originally the product of a city-state, took his learning and his culture from the Greek, transformed it, and spread it widely through his own vast empire.

*The Beginnings and Language
of Greek Political Ideas*

Here, however, we are concerned with the philosophy developed in and through the Greek city-state while it was still an independent unit and while its view of life was considered superior to all others.

The language and the concepts of political thought were alike invented for the western world by the Greeks, and were invented in terms of city-state conditions. It should, however, be noted that these words and ideas had their origins in Greece while that country was still ruled by tribal chieftains, though their precise definition and their development in systems were the products of a later date.

Thus in Homer we encounter concepts of justice and right, and the terms therefor derive clearly from aesthetic or military appreciation of certain qualities in nature such as straightness and uprightness, qualities that would be appreciated in road or weapon. The terminology already foreshadows that concern with politics as ethical in its nature which is the typical attitude of the later Greek thinkers.

In Homer, too, we find the idea of authority as limited. The king is not an absolute monarch, but a leader who must take council with lesser princes for the common good. Moreover, there is implicit in the Homeric poems the idea that the object of authority is to sit in judgment and pronounce justice based on custom and religion. It is for him to apply accepted canons of right to specific situations in terms of his wisdom. It is not his task to legislate, to introduce new principles arbitrarily in terms of his own needs. As a later age would put it, "he rules subject to the higher law." Moreover, when he gives his decisions, he does so before the assembled army, which expresses approval or disapproval. This may not be democracy, but it at least implies some element of popular consent and suggests analogies with customs of the later Germanic tribes.

Homer's main concern was, of course, to record the doings of the great. Hesiod, on the other hand, portrays the misery and the discontent of agricultural laborers oppressed by great land owners. His poetry has little political thought in it, though it demonstrates that agrarian class struggle and discontent existed at a very early date. Furthermore, it is indignant, and reveals the idea that wrong is being done and that justice has an economic basis. It is the poetry of revolt, and suggests the social desirability of a considerable degree of equality, a view that was to be endorsed by certain later thinkers.

Nature Philosophers and Sophists

Nevertheless, political thought proper begins only in later centuries; and it arises first, not on the Greek mainland, but on the Islands. It arises, indeed, incidentally, if not accidentally. The first philosophers were not primarily concerned with the nature of social existence, but with the constitution of the external world, in which they sought to find some meaning and some unifying element. The object of these philosophers was to discover a unity behind the appearances of nature, a unity which they usually found in one of the elements. It was not unnatural that this inquiry should be transferred to the world of men, and that behind the appearance of varied societies there should be similarly discovered some unifying idea that was also the essence of social existence. This unifying principle, whatever it happened to be, was then considered natural. It was also normally ethical, and consequently was not simply a statement of the reality behind appearances, but also the basis for a distinction between what ought to be and what is. Yet, in Ionia, these distinctions developed only as a part of the more general inquiry into the meaning of the universe. The later point of view of politics as the culmination of all study, a view which is to be compared with modern sociology rather than with political science in the current sense, is totally lacking.

It is only in Athens in the fifth century that we find any very general consideration of social problems, and there the discussion is a direct development out of the earlier physical specula-

tions. Law and convention are contrasted with one another, and it is insisted that law, the natural order, is good, while what is merely convention is accidental and frequently bad. Yet, in the beginning, what is natural is conceived of as that which is long established, and the conventional is merely innovation. With the Sophists, however, the natural becomes rather the original, and the whole of social law is treated as conventional. There arises a rebellion of the individual, using the idea of nature much as the eighteenth century used it, as equivalent to pre-political, against the laws and mandates of the state. The natural is the original: it is also what is common to all men when the accidents of particular legal systems are removed.

We have, then, as a result of the work of the Sophists a scepticism about the ancient ways and an attack on the stable institutions of society. The logical conclusion of this might well be philosophic anarchy. Yet the question as to whether man is naturally good or bad soon enters. Some of the Sophists seemingly believed that he is good, but is corrupted by social institutions. They are therefore precursors of Rousseau. Others believed that the state of nature is one of force, and is anarchic in the bad sense. They therefore praised authority, as Hobbes was later to do, for the restraint it imposed on evil men. Yet again, the argument was advanced that it was natural for the strong to rule the weak, and this was used to condemn democracies, in which the masses created law that was nothing but convention to restrain those of superior talents and abilities from gaining their just deserts. Here we have a philosophy not unlike that of Nietzsche.¹

Whatever their views, however, and though they differed greatly among themselves, the Sophists seem to have been concerned mainly with the individual and to have rejected the idea that social life under government was itself original and natural. It also appears that they believed that the different laws of different peoples were the product of chance circumstances

¹For Hobbes, see Ch. XVIII; for Rousseau, Ch. XXII. Friedrich Nietzsche was a German philosopher of the last century. In his most celebrated work, *Thus Spake Zarathustra*, he urged the claims of the Superman and condemned Christian teaching for its slave-morality—in particular, its stress on pity as a virtue.

and were departures from, rather than expressions of, fundamental ethical ideas. That is to say, they denied that the state was a necessary outcome and expression of men's lives and that it was an organ through which he tried to achieve morality.

The Political Ideas of Socrates

Socrates may in a sense be considered as one of the Sophists, though he went far beyond them. He devoted himself to the discovery of knowledge, in the belief that knowledge was the true source of virtue. To obtain knowledge one had to have scepticism and had to question all accepted ideas and beliefs. Where the Sophists generally had been concerned with the contrast between nature and convention and had not entirely escaped from a reliance on physical studies, Socrates devoted himself solely to social problems and to morality as the essence of society. They had contrasted nature and opinion; it was his task to contrast true knowledge with that appearance of knowledge which was opinion. Goodness of a sort might flow from the latter; but unless men knew the reasons why one should do what one believed one ought to do, morality was insecure, being merely habitual. One had to penetrate behind opinion to a true understanding of the why of things. The person possessed of habitual morality would be lost when confronted with a totally different situation. The one who had true knowledge could judge of new circumstances and apply his principles in them. Moreover, while opinion could not be inculcated satisfactorily, true knowledge could, since it rested on intelligible principles, on reason.

Of specific political teaching Socrates possessed little, though from his theory of goodness he condemned the existing democracy in that it treated as equal both those who had knowledge and those who were totally lacking in it. The latter were the more numerous, so that the unwise came to rule the wise.

While Socrates was a rationalist and a sceptic, he was also in a certain sense a conservative. He believed above all in the value of law as the embodied wisdom of the past, and felt that men had an ultimate duty of obedience to its dictates. Thus

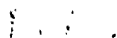
in the *Crito* he argues that, though the state has condemned him to death, he cannot follow the urgings of his disciples and flee. It was not the prejudiced jurors who spoke in pronouncing sentence on him, but the very law itself in all its majesty, and it is for him to accept that decision. He is a citizen, part of the corporate body, and subject to its rules, not a mere private person and individual who may ignore those rules, challenge them, or escape from their control. He has served the state as soldier and citizen, and throughout his life he has enjoyed the blessings derived from the protection of its laws and from the social arrangements that the city affords. To disobey would be to deny the whole meaning of his life and would further involve an act of base ingratitude. One cannot enjoy the blessings of a scheme of government without being ready when one offends to pay the penalty. Socrates treats the state as one and the same through time. One cannot, in his view, set oneself up as a judge of its law and of its course, at least when one's own case is involved.

Nevertheless, as we know, Socrates could have been spared, had he been willing to discontinue his teaching. This he refused to do. Why? If Socrates believed in the duty to obey law, he nevertheless accepted truth as a higher mistress. Where mere material interests were involved, one should submit to the state in all ways. But where the dominant opinions were in the light of one's own examination mistaken, one's conscience was a higher guide and one had a duty to combat intellectual error at whatever cost. The state might punish one and one could not then escape; but one must nevertheless stick to the truth that was in one and not recant for mere safety's sake. Authority might control the body and might punish it for what the mind did, but authority was not competent to control the workings of the mind or to judge the correctness of its conclusions.

Socrates did not develop from this a doctrine of rights against the state. He was content to assert one's duty to one's conscience, whatever its consequences. On the one hand, he was affirming that ethics was the highest pursuit of the human being. On the other, he was insisting that only within the state and as

a social animal could a man profitably live the good life. He showed a typical Greek reverence for custom and tradition, while at the same time he insisted on the need for clear thinking and the use of reason. He insisted, too, that theory and practice were not two, but one, and he stressed the need for wisdom in politics. He revered law, but his essential concern was with the very ideal of justice, which involved knowledge and led to action. These ideas, implicit in Socrates, were developed in various ways by Plato and Aristotle, who judged things in terms of the concepts of proportion and harmony, and endeavored to create a bridge between the practice of politics, in which equality and liberty are pursued, and the idea of the state, which is the attainment of justice.

By way of conclusion, we may insist that the great Greek contribution to political thought was this very insistence that political science is ethical, and that this ethical content arises from the nature of society itself. While the Greeks revered law, the state was not for them simply the legal institutions existing at any one time and place. The state was what the state ought to do, not what any particular and actual state does. But, above all, the state was for them an educational institution: knowledge, necessary if one is to do what one ought to do, and, when possessed, even compelling one to do it, is teachable, since it is founded in rational principle, and reason is the distinguishing mark of man.



Bibliographical Note

For the beginner, G. Lowes Dickinson's *The Greek View of Life* provides an admirable background to the study of Greek political thought. It is concerned mainly with the Greek attitude towards religion, the individual, and the state. It is, however, rhapsodic and uncritical. It may be supplemented by A. E. Zimmern's *The Greek Commonwealth*, which gives a fairly detailed picture of Greek civilization. *The Legacy of Greece* (ed. R. W. Livingstone) contains articles on various aspects of Greek life. Among them Professor Zimmern's article on "Political Thought" is directly germane, while an essay by Professor Gilbert Murray, concerned with the lasting significance of Greece's contribution to the world, is suggestive, stimulating, and finely written.

For the emergence of Greek thought, its geographical background, its foundation in language, and its development by the poets, G. L. Myers's *The Political Ideas of the Greeks* is the best work in English. It is not, however, recommended to undergraduates who have not studied Greek and Greek history. On Socrates and pre-Socratic political ideas, Chapters III-V in E. Barker's *Plato and His Predecessors* are very good, while the first two chapters of the same work offer a sound introduction to Greek political concepts generally and to the actual nature of the Greek state.

Certain more general books covering the material of this and succeeding chapters may here be recommended. W. W. Willoughby's *The Political Theories of the Ancient World* is a simple treatment of Greek and Roman, as well as of Oriental, political thought, and should prove valuable to the beginner. C. H. McIlwain's *The Growth of Political Thought in the West* analyzes and interprets political theories from the Greeks until the end of the Middle Ages. While very interesting, it is not an easy book, and may confuse the beginner who has not mastered the basic concepts of political thought and the chronology of the period. W. A. Dunning's *A History of Political Theories, Ancient and Mediæval* covers roughly the same period in a simple and straightforward manner.

CHAPTER III

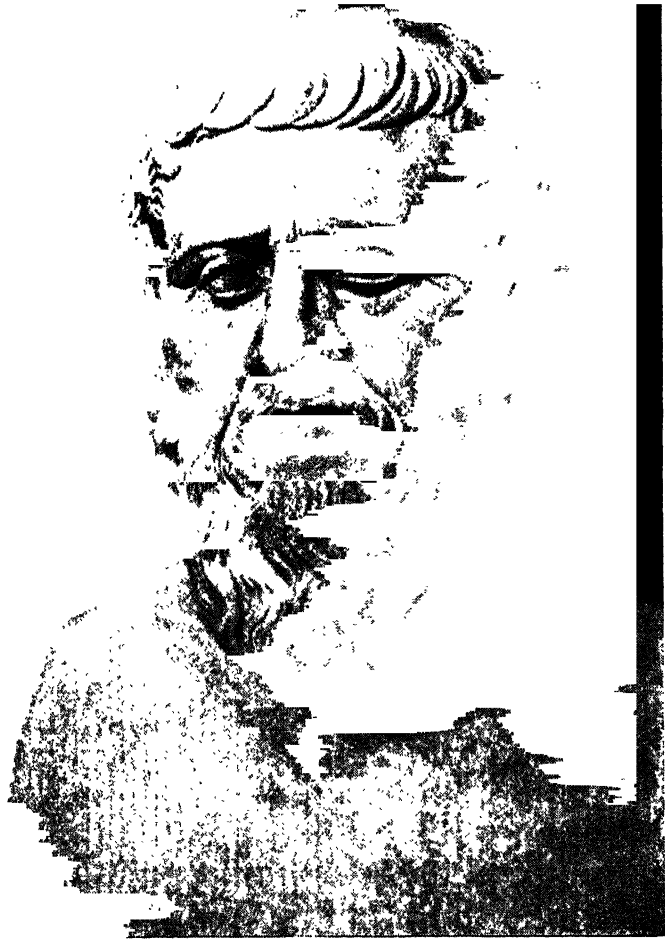
Plato: the Foundations of Political Idealism

Plato's Life: Travel and Teaching

OF THE life of Plato we know little, and much of the information we do possess is legendary. There exist, indeed, certain Epistles attributed to him, but their authenticity has been a matter of debate among scholars. They do, however, give an account of various episodes in his life that seem not inherently improbable. Yet even if we accept them as true, much still remains conjectural.

In one sense this absence of knowledge may be a blessing, since it enables us to consider and evaluate his contribution as a thinker without the distraction of irrelevant personal considerations. Nevertheless, since he, more than most serious thinkers, wrote imaginatively, and because he was admittedly a master of irony, it would be useful to know more of his practical activities. Lacking full information, we run the risk of taking the true meaning for irony and vice versa. Mercifully, we know enough to reject the view that his whole political philosophy, with which we are here concerned, was an idle dream or a mere *jeu d'esprit*.

Plato was born in 428 B.C., and his early years coincided with the latter stages of the Peloponnesian War, which ended in disaster for Athens. That war impressed the Greek world as the Great War did our own. How far the young Plato was emotionally influenced by the course of the conflict and the patriotism aroused by it is a matter of conjecture. His family, however, was distinguished, and he was related to various leaders of the Athenian democracy; while Solon, the great law-giver and reformer, was among his ancestral connections. When he



Plato

reached manhood, Athens had already fallen on evil days. The war was followed by the rule of the Thirty Tyrants. After their downfall, the city indulged in a series of wars and profitless alliances under the leadership of rash and selfish demagogues. Plato clearly grieved for the city and looked enviously to its past, while it is not impossible that his condemnation of the existing order may have had its roots in family pride.

As a youth Plato was a distinguished athlete. Indeed, "Plato," which connotes broadness or flatness, was possibly a nickname bestowed on him in recognition of his prowess: his given name was Aristocles, after his paternal grandfather. This is not unimportant, since it helps to explain his stress on physical beauty and the significant part played by physical culture in his scheme of youthful education. It also makes more intelligible his admiration for the Spartan discipline that later ages, as well as not a few of his contemporaries, found so abhorrent.

Of his education we know little save the names of certain teachers, though he seems to have had the usual training of Athenians of the upper class. We are told, however, that he distinguished himself in all fields of study. We know, too, that he devoted himself to poetry. Whether his interest and accomplishment differed from that of hosts of romantic adolescents in other ages is again conjectural. That he did know the poets, and particularly Homer, very well his subsequent work testifies. Nevertheless it is noteworthy that he does not always quote them approvingly and that his attitude is usually that of a moralist judging their sentiments rather than that of a critic concerned with beauties of style, form, and phrase.

At twenty, he became a student of Socrates, though from the beginning his relation to the master seems to have been that of the brilliant young disciple instead of a mere pupil. His taste and capacity for philosophy were at once evident, and it is possible to imagine that contact with Socrates suddenly opened to him a vast new world and evoked an eager enthusiasm for the things of the mind. He was particularly impressed by Socrates' teachings as to the nature of virtue and the relation of knowledge to action. From them he seemingly inferred that it was his duty to become a statesman, and he regarded his training as

a preparation for that career. No doubt youthful ambition urged in the same direction. Fate ruled otherwise. When he was twenty-eight, before the preparation was complete, he saw his master put to death by the Athenians. Ambition gave way to revulsion, coupled with a creeping awareness that in the world as it is, the philosopher and the politician not only are lacking in unity of purpose but are antagonistic. His life task henceforth became to justify Socrates, to show the gulf fixed between things as they are and things as they ought to be, and above all to prove that the good state was the just state wherein wisdom ruled. Yet his desire for practical political activity, temporarily in abeyance, never died, and periodically we see the revival of a hope that, if he cannot himself become the founder or ruler of a truly good state, he may nevertheless use others as instruments to realize that sublime purpose.

Immediately upon Socrates's death, Plato left Athens, partly from disgust and impotent resentment, and partly, perhaps, because the friends of Socrates were suspect and he saw that, granted the current temper, he could by staying achieve nothing save fruitless martyrdom. What places he visited or how long he remained abroad we do not know with any certainty. He seems first to have gone to Megara. There, safe from persecution or possible reprisals, he composed the *Apology* and the *Crito*, the defence of Socrates's life and the justification for his accepting death. The former, as we have seen, insisted that man's first duty was to the truth that was in him and contained a powerful plea for freedom of the mind as opposed to *raison d'état*. It was in essence an indictment of the existing Athenian government. The latter was a superb statement of a man's duty to the political-social organization which had conditioned and protected his earthly adventure. It was perhaps intended as an answer to those students and friends of Socrates whose faith in his genius and in the truth of his doctrine was shaken by his unwillingness to preserve at all costs his carnal existence.

Having performed this labor of love, and having preserved for all time the issues raised by the protagonists in that vital drama, Plato went further afield, observing the ways and institutions of men in varied climes and places. He visited, certainly, the

Greek cities of Italy and Sicily, where Greek civilization came into contact and conflict first with Carthage and then with Rome. There he encountered the teachings of Pythagoras, who had established a powerful sect to forward his doctrine, a sect whose stronghold was Tarentum. How far he was influenced by certain mystical elements in their teaching or by their vegetarian or other unusual practices, it is hard to say. From them he may have gained his doctrine of classes, as we shall see it expounded in *The Republic*, since their order was based on a hierarchy of three ranks. Certainly he shared their love of mathematics; and the motto of the academy in Athens where he taught so long was a harsh command forbidding anyone ignorant of mathematics and geometry to enter.

From Italy he went to Egypt, probably to complete his mathematical studies, a course which may have been urged on him by his Pythagorean friends. In Egypt also he found a caste system, which may further have strengthened his ideas concerning the desirability of political stratification. Certainly, it is noteworthy that the division of classes in *The Republic* into guardians, soldiers, and workers corresponds closely with the divisions existing in Egypt at the time.

How far these wanderings and contacts really helped to shape his thought may, however, be questioned. That he had a considerable first-hand knowledge of the Greek world, both in the East and in the West, seems highly likely, and it is not improbable that from Asia Minor he got certain mystical ideas that tinged his thought. There is also a legend that he knew well the oriental world and travelled as far afield as Persia and India. Subsequent scholars, observing certain elements in common between Platonic and Buddhist doctrine, have attributed them to direct personal contacts through such travels. If, however, we are to accept the Epistles as genuine, Plato was thwarted in his ambition to go East by the troubled state of the times.

Doubtless travel would aid a man of Plato's ability to mature, would add to his understanding of his fellows, and would, granted a keen interest in politics, suggest some of the difficulties of government. That it would have made a great philosopher seems unlikely, the more so since there is a certain

continuity and unity in the whole of Plato's teaching, from the early dialogues, written before his journeyings, down to his later works. Nor should too much be made of intellectual influences. The Greek cities of Ionia and Italy were rife with speculation, while Athens itself was the meeting place of all schools. The atmosphere was stimulating; and the various dialogues show that Plato was thoroughly conversant with the teachings of the leading Sophists and schools of thought of the day. That he had considerable sympathy with the Pythagoreans is true. It seems, too, that he was impressed by the views of Heraclitus. That teacher's views, however, were contained in a series of apothegms. On the basis of one of them, he has been credited with a doctrine of evolution, while together they supposedly inspired Hegel in the last century to develop a philosophy of history.¹ Neither Hegel nor Plato, however, can be treated simply as the product of other men's ideas. In dealing with an outstanding genius, it is hardly necessary to emphasize influences save for the benefit of those who thoughtlessly assume that systems are born out of the blue, that originality cannot exist if others had previously been aware of similar problems and had provided suggestions for their solution.

One contact, nevertheless, did have a rather special influence on Plato. He was in Sicily in 387 B.C., and visited Syracuse, furthest outpost of Greek civilization and the focal point of the conflict between Greek and Carthaginian. There he made the acquaintance of the tyrant Dionysius I and unwisely preached to him on the duties of the just ruler. He was sold into slavery for his pains and fell into Spartan hands. Fortunately, he was ransomed, and thus came home to Athens, where he opened the Academy as a school of philosophical disputation. Teaching there and writing dialogues were henceforth to remain his chief tasks till his death at the ripe old age of eighty-one.

Nevertheless, his active life was not ended. If he had offended the ruler of Syracuse, he had at the same time made influential friends there, with whom he remained in correspondence.

¹ Hegel was a German philosopher who wrote in the early nineteenth century. His best known works on social theory are the *Philosophy of History* and the *Philosophy of Right*. Incidentally, he was an Idealist, and the roots of his thought are in Plato.

Whether he fully realized the significance of the city as an outpost of Greek civilization is not certain, though it seems that, if his main concern was with the government of the city-state, he was at the same time a Pan-Hellene. From the beginning he cherished the project of making Syracuse the location of an experiment in government, an attempt to realize the ideal rule of the philosopher-king. Accordingly, when, after many vicissitudes, the once young boy on whom he had pinned his hopes ascended the throne as Dionysius II, Plato, though now some sixty years old, eagerly and optimistically set sail again. For a time all went well, but before very long conflicts arose between master and pupil. Whether the former was doctrinaire and unaccommodating or whether the latter was either stupid or less than pure in his political motives is not known. In any case, the venture failed, and Plato, chastened and sad, returned to Athens. Even then, however, he did not despair. The breach had not been complete or final, and from time to time Plato sent letters of good advice and urged a more generous-minded government. Five years later he was asked to return. He did so, but failure came even more rapidly than before, and Plato might have languished in virtual captivity had it not been for the good offices of his old friend Archytas, the Pythagorean tyrant of Tarentum. Even after this, Plato still continued to correspond and advise, though later he gave his sanction to a revolt led by his original friend Dion, brother-in-law of the first, and uncle of the second, Dionysius. The revolt was successful, but Dion rapidly became unpopular and was assassinated. Plato thereupon advised Dion's friends what to do, and, aware that the philosopher-king was undiscoverable, advocated a constitutional form of government. It was not adopted, and Plato's one adventure in practical politics was at an end.

The whole affair is important for our purposes as showing that Plato was anything but a dreamer, and that his whole teaching was intended to have a practical object. He differs from the Sophists and teachers of rhetoric chiefly in this, that, where they taught how to attain power and to keep it, he was concerned primarily in ensuring that, when attained, it would be used for ethical ends. Moreover, his school, the Academy, (we may note

in passing) trained not a few who became influential leaders or rulers in Greek city-states; and it is possible to discover considerable traces of his own theory of law in the practice of later Greece, which in turn influenced Rome.

All this must not be forgotten in dealing with the philosophy contained in Plato's chief political dialogues. At the same time, we should always keep in mind that the major part of Plato's life was spent as a teacher and author in Athens, that he on the whole disliked and distrusted the governments of that city, whether tyrannical, oligarchic, or democratic, and that he was especially concerned with its history, its problems, and the possibilities for its salvation. Syracuse was an outlet, a possible channel for thwarted ambition, though it may also have been important to him as a defense of Greek culture against supposed barbarism. Athens remained his city, and the very center of the Greek world.

Plato's Method

Before we turn to the analysis of Plato's purely political works, certain remarks about his general approach are desirable. In the examination of the problems that seemed to him significant, he used the dialectical method. His chief works are presented in the form of dialogues, with Socrates as the mouthpiece for his own views. Those dialogues have great literary and aesthetic charm. In their entirety they contain a thoroughly developed view of life. Throughout, Plato's attitude may be characterized as idealistic, in the sense that he is pursuing always the concept of perfection and complete harmony. Nevertheless, despite his total coherence, certain criticisms of the method must be made. Plato, like Socrates, hated the Sophists as a group, and, while he is extremely careful in dealing with some of the difficulties raised by the other persons of the dialogues, the opponents of Socrates on the whole get somewhat less than fair treatment, and their points of view are on occasion dismissed cavalierly.

Secondly, in a dialogue it is natural and easy to make transitions from topic to topic and argument to argument without any very clear logical tie. Thus, if the total picture may in the end be clear, one frequently gains the sense that the method is faulty.

Finally, Plato was very fond of using analogies drawn from all kinds of activities to illustrate his points, while he also developed even major concepts by somewhat similar methods. Such a procedure may be revealing, leading to unexpected insight; but it may also be seriously misleading, since analogies are rarely perfect.

Here we are concerned with the three chief political dialogues: *The Republic*, probably the greatest of all Plato's works; a small and puzzling treatise known as *The Statesman*; and a lengthy work, *The Laws*. The last was very possibly a product of Plato's later life and disillusionment. It contains a much more detailed and systematic political philosophy than *The Republic* itself, though lacking in the inspirational qualities of the latter.

The Nature and Purpose of 'The Republic

The Republic, lost to the medieval world, was at a later date to be one of the most influential of all works. In the period from the Renaissance to the eighteenth century, it inspired a whole series of utopias, amongst which Sir Thomas More's is the best known. Later, it was to have a profound influence on Rousseau's thought, and, partly through him, on the whole modern Idealist movement, first in Germany and then in England.¹ Yet it has meant all things to all men, and it is almost impossible to say precisely what was its object. While its title suggests that it is primarily a work on the state, it opens as an inquiry into the nature of the happy life, and that consideration recurs all through its pages. Its essential problem seems to be whether a man can be happy if he is not just; and it is significant that at a later date the work was given the sub-title, *Concerning Justice*.

The work, then, would seem to be above all concerned with ethics. Yet before the inquiry has progressed far, Socrates, that is, Plato, suggests that the nature of justice can best be seen by studying the larger scene, the state, rather than the individual. From that point on the work is mainly an inquiry into the na-

¹ For More, see Ch. XVII; for Rousseau, Ch. XXII. Among the Idealists the best known are Hegel, Bosanquet, and Green. They will be discussed in a subsequent volume.

ture of political justice and the art of government, though it never becomes completely clear whether the subject is pursued as enlightening analogy or for its own sake. Perhaps, indeed, the inquiry is meaningless, since, as we have suggested earlier in this work, to the Greek ethics and politics were not divorced, and the individual and the state were not opposed or separated.

Further, the work may well be considered a treatise on aesthetics. Not only is it largely concerned with such problems as the conditions and relations of physical and mental beauty and the nature and function of poetry and drama; it also insists that the end of man is to contemplate the perfect beauty of a harmonious universe, even though the perfect understanding necessary thereto will promote, rather than hinder, practical activities.

Finally, it is a treatise on education, and it is noteworthy that in the eighteenth century Rousseau, himself a great contributor both to political philosophy and to educational theory, emphasized this side of the work, which he considered the greatest treatise on the subject ever written. It investigates in detail the proper disciplines for man from his birth on. Indeed, the Platonic state, as discussed in *The Republic*, seems to be largely a great school, developing the potentialities of its members and selecting the more able for advanced studies. While Plato always insists that the wisest and best will be the most practically competent, it is never completely clear whether his ultimate aim is to select the few true aristocrats in order that the highest degree of human capacity may be reached, or to develop persons of such a character that the whole community may be well ruled and happy. Perhaps in making such a statement we are once more suggesting a possible conflict that to Plato did not exist.

The whole problem is further complicated, somewhat unnecessarily, because certain thinkers have believed that the whole work was ironical, was intended as a utopia to end utopias through a *reductio ad absurdum*. Some parts of the work, it is true, have an undertone of irony. If, however, we consider the circumstances of Plato's life and time, and if we accept the view that his attitude towards the existing politics of Athens was one of aristocratic contempt and condemnation, we can only conclude that *The Republic* was an intensely serious criticism of the

way of life of his day and an attempt to demonstrate what was necessary to produce a more adequate society.

The Republic opens with Socrates, in company with friends, going to the house of Polemarchus in the Piraeus. It is a festival day, and the group plans to rest and talk during the afternoon, before seeing certain games in the evening. The discussion begins with Socrates asking Cephalus, Polemarchus's father, to relate what he, as an old and experienced man, personally considers the most important things in life. He answers simply that, while the degree of affluence he possesses is no doubt an aid to the good life, the essence of happiness is not wealth or its absence, but the sense of having performed one's obligations and behaved justly. Socrates thereupon suggests that justice is not very easily defined, since to call it the restoration of what one has received from someone else is inadequate. It would, for instance, hardly be just to give back a sword to a friend who had placed it in one's charge if he had in the interim become mad. At this point Cephalus retires, and his son takes up the conversation, maintaining that Simonides' statement that justice is the rendering to each of his due is a more adequate definition. This, however, leads to the question as to what is due to any man. After some discussion, Socrates demonstrates to Polemarchus's satisfaction that to define justice as treating friends well and enemies badly, aiding one and harming the other, leads to unacceptable results. The conclusion is reached that the just man should injure none, but must help all. Indeed, the man who injures his enemy is unjust. This, it may be noted, corresponds rather closely with certain teachings of Christ.

*Thrasymachus: Justice as the
Right of the Stronger*

At this point, however, Thrasymachus, who represents the viewpoint of those Sophists whom Plato most despises, bursts into the discussion and at once gives to it a political emphasis. He belonged to that group which made a livelihood by professing to teach men how to sway and rule their fellows. Accordingly, it is not surprising that he should define justice as that

which is expedient for the governors, and should state that it belongs exclusively to the most powerful. The most powerful impose their rule on the mass, whose sole duty it is to obey; and justice is nothing but what the former find useful for their purposes. The question is then raised whether it really is the duty of the people simply to accept what the rulers will. If the rulers will what they think is expedient for their interest, but what is actually not so, would it not be unjust for the people to let them harm themselves? One might well expect this question to lead to a discussion as to where the knowledge of what is expedient reposes. Thrasymachus, however, admits that justice is what actually is to the interest of the most powerful, but insists that when they are in error they are not the most powerful. This is an evasion, since it is manifest that those having political power may err in particular matters, while still retaining their general strength. Moreover, it side-steps the whole question of the obligation to obey them in that particular issue.

Socrates, however, does not pursue this line of inquiry, but develops a different argument by analogy. He forces Thrasymachus to admit, for instance, that the function of a shepherd is to protect his sheep; and that the shepherd's art is not the art of profiting himself at the expense of his sheep, but of promoting the well-being of his flock. Indeed, in the performance of any such function, whether it be that of the shepherd or that of the doctor, the ultimate well-being of the individual concerned depends on his effective performance of his art, and not on the use of his position for immediate profit at the expense of those he serves. Similarly, he suggests, the governor exists for the good of the governed, and not for his own profit. Here, we may note, for the first time is proclaimed an idea that has played a continuous part in subsequent political philosophy: power is a trust, and the ruler is not an irresponsible being, given authority for his own delectation.

Once again, however, the emphasis is changed. Thrasymachus urges that the happy man is unjust, but has the appearance of justice. In this way his gain is greatest, i.e., he appears to work for the well-being of the governed, while actually exploiting them for his own profit. Socrates will have none of

this. He forces Thrasymachus to admit that government is an art, and that it is not the reward for exercising an art but the performance of the function that makes it an art. He then states that a governor, by having to give up his leisure and peace, loses by his art. Therefore, either he must be rewarded by money or by honor for the sacrifice involved in ruling, or punished if he refuses to rule, so that he may be induced to undertake the function for which he is qualified by fear of disgrace and because the punishment outweighs the loss of well-being imposed on governors. Good men, those best qualified to rule, will not seek public office, since this would be contrary to the modesty that is part of their qualifications. Punishment alone can constrain them to rule. The greatest of such punishments is to be governed by men inferior to themselves in virtue.

This whole analysis is not uninteresting in terms of subsequent experience. It has been a general complaint, particularly in America, that the best men from the point of view of intellect and character are rarely anxious for public office. It is further noteworthy that normally they do not seem to be greatly disturbed at being ruled by those they consider their inferiors. It is also significant that, when government becomes too bad, they do revolt and attempt a house cleaning, but that, in general, their efforts are only partially successful and their tenure of power is short-lived.

Returning to our analysis, we find that Thrasymachus is still unconvinced, and with good reason, since Socrates' statement, however superficially plausible and brilliant, will not bear close analysis. Instead of rebutting the argument, Thrasymachus proceeds to orate rather like a modern politician under attack. Socrates, however, will not let him escape and forces him to the admission that injustice produces hatred and sedition, while justice results in harmony. Therefore justice is actually the most expedient behavior, while injustice leads only to contradictions, and at last renders man incapable of any coherent action. That is, the appearance of justice is not enough for lasting happiness. One must actually be just.

Thrasymachus also has to agree that each organ of the body has an appropriate function, which it performs through its own

virtue, and cannot perform if that virtue is absent. Thus the eye has as its function to see, and its virtue is its capacity for sight. A blind eye is a bad eye. Similarly the work of the soul is to govern the whole, and its virtue is justice. With justice, life will be good; without it, bad. On this analogy we need not comment, save to say that it assumes a faculty psychology, with each human quality and capacity having its appropriate organ, and with harmony achieved only by the dominance of one, and not by the integration of a whole in which all parts are interdependent; and we may note further that the whole concept of a special soul has been generally rejected by modern psychologists. Nevertheless, whatever psychology we accept, the importance of the whole analysis is not destroyed, even though we may be forced to deny the correctness of this particular analogy. Its essential significance is that it involves a rejection of the idea that might is right, that justice is the law of the stronger. The position is arrived at by forcing Thrasymachus to admit that he cannot accept the conclusions of his own premises. Men's ethical professions are based on a reality, the reality of the ideals that those professions assume. It is only by a genuine pursuit of those ideals that consistent behavior is possible. Such consistent behavior is necessary for happiness, since the alternative is anarchy and meaningless strife.

*Glaucon: Contract and Convention
as the Basis of Justice*

At this point Thrasymachus, worsted and angry, retires. His place is taken by Glaucon, who agrees with Socrates that men ought to behave justly, but does not feel that the contrary argument has been either fully stated or fully answered. He recognizes that the analogies used by Socrates have disguised certain vital distinctions. He states that there are three kinds of goods, those good for their own sake, those good both for their own sake and for what springs from them, and those good solely for what springs from them. He gets Socrates to admit that justice should be placed in the second category. Having thus cleared the ground, he puts forward the popular argument against the

desirability of being just in the true sense. This view is that it is good to do injustice, granted that one can consistently succeed therein, but to suffer injustice is bad. The evil suffered from injustice by its victims is greater than the good gained from doing it, and everyone fears that suffering. Accordingly, they have agreed neither to do nor to suffer injustice. They make laws and compacts to this end and call what they have enacted just. Justice in practice, therefore, becomes a mean between the best, to act unjustly with impunity, and the worst, to suffer without redress. Consequently it is not a true good, but that which is conventionally honored by men who are incapable of continuous success in doing injustice. Because of a fear of injury, it is praised by a species of mutual deceit. In an ideal situation, the completely unjust man who could gain a reputation for justice would succeed and be truly happy, while the completely just man, undeservedly given a reputation for injustice, would fail and be miserable.

Glaucon is here arguing two things. First, that the state is a result of compact, and of compact based, not on universal moral principle, but, as with Hobbes later, on mutual fear. Secondly, that political organization is the result of convention rather than of the nature of the human animal. He was thus raising an issue that was to be a central theme of subsequent political thought. At bottom, this issue is whether there are fundamental laws of an ethical character governing all men at all times, or whether laws are simply the particular arrangements of particular societies in different times and places, suited to the immediate needs of men, but unconnected with any fundamental scheme of ethical values. This is the principal bone of contention between idealist and pragmatist. It involves the question whether the state is organic in nature, or whether it is simply a series of discrete individuals bound together by mutual, but changing and temporary, interests. Glaucon, it is clear, takes the latter point of view, whereas Plato, through Socrates, insists that the state is a unified organism, with its appropriate parts performing their different functions under the direction of those possessed of the highest mental faculties. Therefore,

according to his views, it exists under the aegis of fundamental ethical principle.

Socrates fully realizes the importance of the problem raised by Glaucon. It is necessary for him to show that behind the appearances of different social arrangements there are certain uniform principles, by following which it is alone possible to attain the good life. He does not, however, tackle the problem directly. He suggests that, granted the comparative ignorance of the parties to the debate, himself included, it may be easier to decide what justice is by abandoning the problem of the individual and regarding the larger scene of the state.

It is at this point that Plato introduces us to his philosophy of politics. The state arises from the necessity for coöperation and from the recognition on the part of men of that necessity. Individuals acting alone are unable readily to fulfill certain of their needs. Accordingly, they are driven to coöperation. Different individuals, moreover, have different abilities, and it is most profitable if each man develops his own skills to the highest possible degree, supplying the community with the resulting products, and being supplied by others in turn. Plato is fully aware of the importance and value of the division of labor. Indeed, his whole political theory rests on the idea that men are specialists in different functions. They attain their own greatest well-being and promote at the same time the best interests of the whole by confining themselves to the tasks to which they are most suited. At a later date the doctrine of specialization and division of labor was to become, in the hands of Adam Smith, the basis of an economic theory of production directed towards the maximum utilization of labor and the greatest exploitation of resources thereby.¹ For Plato, it was a theory of the maximum utilization and development of all human ability, with a view to the production of the greatest possible degree of human happiness.

The state, then, will consist of a variety of groups of special-

¹ Adam Smith's *Wealth of Nations* (1776) was the first great work of modern economics. From it classical economic doctrine stems. One of its most celebrated chapters deals with the division of labor.

ized individuals performing the functions for which they are most competent in order to supply the basic needs of all. There will be a variety of such functions, but they will be simple ones and in the main economic. The object will be survival with a reasonable standard of living, though without any luxury, but with considerable leisure for all owing to the saving of time effected.

The objection is made to this scheme that it would produce a simple state, composed of satisfied hogs, rather than a *Kulturstaat*. It is admitted that this is so, and the inquiry is then pursued to discover what more will be needed in the more complex state. While Plato, in the person of Socrates, readily embarks on this further discussion, it seems at least possible that he himself regarded the simple state, without luxury but also without the envy of its neighbors, as the most desirable. He does not, indeed, produce a contrast between the simple life of the state of nature and a later organized civilization, since he recognizes full well that both simple and complex societies are essentially organized as states. Yet he seems to have regarded somewhat wistfully the blessings of the simple life. It is quite possible that he looked on the growth of wealth in Athens after the defeat of Persia as unfortunate and felt that it had been a better city in its poorer period. His admiration for Sparta no doubt arose partly from its having preserved an essential simplicity.

Plato's Own View: the Ideal State

Turning, however, to the analysis of the luxury state, he points out that such a state will require, besides farmers, artisans, and merchants, a whole class of warriors, since luxury will bring war and the necessity for protection. While he specifically denies that he is at that point concerned with the ethical rightness or wrongness of war, he shows himself fully aware of the economic causes that underlie it. Not only will the luxury state bring war: it will also necessitate a special class of rulers, whose function it will be to coördinate and control all other activities. Just as the soul has to govern the individual, so the guardians will govern the community. Since theirs is the su-

preme task, complex and difficult, they will require leisure, that is, freedom from the performance of specific function, and great training, that they may be competent for their jobs.

What qualities are required of them? They must clearly be gentle, that they may not hurt their friends. They must be spirited, that they may resist external and internal enemies. Above all, they must be philosophical, that they may know what it is right to do and, knowing, do it. Not all persons possess such qualities. The educational system must be devoted, then, not simply to training the guardians, but to selecting those who are capable of being guardians. Function is to be determined by ability.

The subsequent section of *The Republic* is devoted to a detailed analysis of the educational system that is to produce the guardians. It is this section which has given rise to the puzzling question whether Plato was concerned with politics at all in our sense of the term. Education is seemingly the central function of the state, and the whole emphasis is on the qualities by which men are to be selected as the state's guardians. This leaves one with the very nice problem of whether the state produces guardians or guardians the state. Further, is the end in view simply the development of this small aristocracy of talents, or the well-being of the whole? Plato might very well answer that the guardians, being philosophers, will by the mere fact of their selection and by the granting to them of authority produce the good state. Philosophy is knowledge of what is right, and such knowledge compels to right action. Yet one is bound to ask what happens to the less competent, and one discovers that Plato gives them little attention. Their function is determined by the stage they reach in the educational process. Since that process is designed to make guardians, it may well be questioned whether it does adequately select men according to their competence for other tasks. While the functions are manifold, the training is not specialized technically, and a man's position in society is determined solely by his degree of success in following a course destined ultimately to fit men for a particular function, even though that function is conceived of as general direction rather than detailed administration.

This defect in Plato's analysis may best be understood by considering his view of human nature, which is the basis of his scheme of classes, even though he presents that view later in the work. Before turning to it, however, we should note that, by taking up the problem of the luxury state, Plato shifts the emphasis from a simple division of labor to satisfy varied material needs to the problem of direction and coördination and the creation of an organic society. Recognizing fully the value and importance of a division of labor, he does not combine that theory with a doctrine of individualism, but rather makes it the basis of a planned society. Essentially he distinguishes between those functions which produce things good in terms of their consequences, Glaucon's third division of goods, and that superior function which, while producing goods of this character, also leads to something good for its own sake. He recognizes that the value of specialized activities is slight unless those activities are coördinated, are directed towards, and informed by, some intelligible ethical purpose. It is this directive function, exercised by those who understand the good life, that is the essence of government. To the production of competence in this supreme task, all else must be sacrificed.

Nevertheless, those who live today, however much they may be aware of the dangers of uncoördinated specialists and of particular practical disciplines correlated only by chance, would feel that Plato neglects unduly the importance of the person with technical ability. His system makes no provision for selecting or training such men. Coördination may be vital, and we would perhaps admit that the philosopher in Plato's sense is alone competent to make it. Certainly the danger of artificial coördination not animated by ethical purpose, but brought about through mere power, after the pattern of Thrasymachus's teaching, seems to involve a terrific sacrifice of human personality.

As we have indicated, Plato's arrangement depends on an oversimple psychology. In the individual, he states, there are three main drives. First, there is desire, in the sense of the seeking of carnal and earthly enjoyments. Men have in them much of the animal, and many of them are indeed dominated by such

motives alone. Such individuals are without coherent purpose, are bundles of conflicting drives which in the long run are self-defeating and lead to a total incapacity for action. These persons are, in Plato's sense, essentially unjust, and cannot attain happiness.

Secondly, there is what Plato calls spirit, which we might perhaps identify with courage. It leads men to defy their enemies and to fight bravely for their cause. It is a rarer quality than desire, which is common to all men, but it is still fairly widespread. It does not lead to the immediate anarchy of conflicting impulse, since it involves discipline and results in some selection between activities. It corresponds, perhaps, to that popular sense of justice suggested by Simonides, the doing of good to friends and evil to enemies. It is, however, unreflective and often rash. In the long run it, too, becomes involved in contradictions and fails to produce the just, happy man.

Thirdly, there is a capacity for knowledge, for wisdom, the understanding of the relations of things and the power to act rightly in terms thereof. Knowledge is not simply information, but an ability to use it and to understand the meaning of what one discovers. In its highest form it involves an appreciation of the interrelations of all things, of the underlying harmony of the universe. That is, it is an understanding of the reality behind appearances. This quality is essentially rare. In those who have it, however, it leads to consistent behavior, to the doing of what is truly just, and so to happiness.

Now, granted that these motivations exist, Plato inquires as to their proper relations. The answer is fairly clear. A person dominated by earthly desire is undirected by any principle and spends his time in the hectic, but ultimately self-defeating, pursuit of pleasure. His character lacks balance, and he wastes his life in meaningless movements. He is a danger to himself and to his fellows. Those who have spirit are indeed in somewhat better case, since courage at least contains that constructive element which comes from discipline. Yet it is the soldier's discipline, the discipline of Sparta, which may be superior to the Athenian subordination to desire as Plato saw it, but is short of the highest virtue, lacking discrimination. Courage, when un-

informed by wisdom, may be directed to good or to bad ends. The brave man may prove a reckless fool. The wise man, on the other hand, the man with knowledge, will subordinate desire and direct spirit. We can never insist too much that Plato believes that true knowledge, if it is the product of contemplation, is essentially practical and compels to action. By it, desire is repressed, while courage is not allowed to lead to thoughtless action.

This whole viewpoint is essentially ascetic, since it involves the rigid subordination, and even repression, of the desires of the flesh. Yet one should not infer that Plato's aim was a monastic existence. Desires are to be subordinated and disciplined that they may not conflict. They must be harmonized in terms of some end for the total personality. This end is discovered, not by considering the biological needs of man, but by using reason to discover the requirements of a harmonious personality that will not be disturbed by the impact of chance happenings over which one has no control. That is to say, Plato's philosophy rests on a belief that true happiness cannot be defined in such a way as to be dependent on external circumstances. It differs rather considerably from the attitude of the modern psychologist who, if he would agree on the importance of the total personality, would nevertheless hold that that total personality can realize itself only through the adequate fulfillment of physiological needs.

A more important criticism is that Plato separates too completely the different qualities of men. Although it is no doubt true that some men have a greater capacity for self-direction in terms of a coherent purpose than others, it would nevertheless seem that all are an amalgam of different qualities in varying proportions. While a scheme of values may be necessary to give meaning to life, that scheme must essentially be directed to the fulfillment of needs within a conditioning environment. Elsewhere in the *Republic*, as well as in the *Phaedrus*, Plato did indeed suggest the necessity for the individual to possess all the characteristics here mentioned, and to harmonize them. Here, however, he isolates them and makes harmony too much the result of the exclusive dominance of one of them.

The value and limitation of Plato's psychology are further revealed in the state he sets up in terms thereof. If the individual gains perfection through the dominance of knowledge, will not the state do likewise? The just individual is the philosopher, and the just state will be the state in which philosophers rule. Granted that some people are incapable of attaining knowledge and that some even lack courage, the proper state will manifestly be the one in which those with knowledge rule, those with spirit protect the society, and those who are merely creatures of appetite have the most subordinate positions. Not only is justice in the state completely dependent upon the rule of the just alone: it also requires for fulfillment that each be permitted to develop to the full extent of his capacities. That is, Plato ultimately agrees that justice is the rendering to each of his due, but defines what is a man's due as that for which his endowment fits him. Each man should perform in society a function appropriate to his abilities. In this way he will gain the maximum happiness of which he is capable, while, because judgment will be made and direction given by those most capable, selection itself will be just. It would clearly be unjust to allow those whose only gift is appetite, who are ignorant, to rule over the wise. The best must rule, and the less good must serve in positions determined by their several capacities. Thus one will achieve a society which is permanently stable because harmonious. The just state is neither the state ruled by contract nor the power state, but the state in which men are properly arranged in terms of their abilities. Only through this just state can men be happy, while in it alone can perfect knowledge and insight into the universe, which is the highest happiness, be reached. The state is at once the means to secure justice and the organization within which men may approach an understanding of the universe.

Here, once more, we are confronted by a difficult problem, which Plato does not fully solve. The just man is a man who has happiness through his own character, independent of the tricks of fate. At the same time, it would appear that just men will be produced only in a society which gives the necessary training for their selection. It is, of course, possible that Plato

feels that a just man may be produced despite a bad society, but it is not clear whether he believes that such an individual can function properly within this type of environment. His real aim, however, seems to be to create a society in which the just man not only can act as his character compels him to do, but can succeed in producing the society in which his own principles will dominate. This, however, in turn raises the problem as to why one does not have just states, since it will be remembered that Plato had previously suggested that the good man, who is bound to act in terms of his goodness, will be driven to take part in government that he may not be punished by being ruled by the bad. This question may, of course, be dismissed by arguing that Plato was describing an ideal for men rather than proposing a practical plan of government. Nevertheless, the whole analysis does lead back to the question whether a just man is possible without a just society, or vice versa.

To put it otherwise, the difficulty of Plato's whole scheme in *The Republic* is that it is not dynamic, contains no suggestion for getting from what is to what ought to be. This is seen clearly when we turn to the system of education proposed as the means to ensure that men will perform their appropriate functions. One may ask how such a scheme of education is to be attained, unless one already has just men as rulers. Yet such men are to be selected as rulers through that scheme of education.

Even if Plato does not solve this question, his description of how the state is to be organized to give the proper proportion to different endowments produces interesting and valuable concepts. Society, the state, is to be organized as a vast school whose end is intellectual knowledge. It must prepare men for living the best life, the life of contemplation. From birth on, both men and women must be trained with a view to the selection and development of those capable of true happiness. Here we may note yet another difficulty of Plato's position. The only truly happy person is the just man. In the Platonic society these will be the select few who survive the long training. The rest will be given functions appropriate to the abilities they have shown. This is just, since it would be unfair both to them and to the more able to give them functions beyond their abilities.

They themselves would be maladjusted, and so unhappy, in such positions. They would also have power to treat unjustly those more able. Whether the latter would also be unhappy is not clear, though Plato's earlier suggestion that the good will go into politics to avoid rule by the less virtuous implies that they would.

The vital question is, would the less able be just or happy (and the two terms are synonymous in Plato) when performing their appropriate functions? They may be treated justly by their superiors; but on Plato's own view it would seem that, since they are incapable of becoming philosophers, they are also incapable of true happiness. That is, the majority of mankind are denied the very capacity to attain that which is the essential purpose and meaning of human existence. Are they, however, unhappy? Presumably they are not, granted that they are given a position in society proportionate to their powers, since an incapacity for happiness implies also an incapacity for unhappiness.

The mass of mankind lack the potentialities necessary for any high degree of development. They can attain only a limited well-being, which comes from permanent discipline and direction. Initiative must be denied them. They are to become mere tools in a perfectly regulated society. Once more one cannot resist the impression that Plato's real concern is with the limited aristocracy of the guardians, that to them all others must be sacrificed. In his view, of course, this was no sacrifice at all, since the latter were provided for in the best possible way and were not given unfair burdens. The whole viewpoint differs from the modern idea that all men are creatures of considerable potentialities and so must be left a wide sphere of freedom in the hope that they may develop. True morality for us, as for Plato, involves a capacity to make choices; but, whereas for us the liberty so to do is to be continuous and universal, for him it was to be confined to those who had demonstrated initially their ability to make good and wise choices. In short, he denies that the majority of men possess moral personality in any true sense.

Returning to his educational scheme, we must in fairness note that, while he would not grant equal education to all, he would grant an equal initial opportunity to receive education. More-

over, all would receive some education; for even the lowest tasks in society require some training. The essence of his scheme is that, instead of all being educated for an equally long time, different persons will receive a different length of training, according to their ability to profit by it. This is but just. One's criticism is, not that the training given to different individuals differs, but that those who are shown to be less competent are thereupon debarred from any further opportunity to develop and are forever condemned to the performance of dictated functions. They become in certain respects slaves, and their very condemnation to a routine ensures that they will not further develop. They may be allowed to acquire, to own property, but in political and intellectual matters they are forever robots.

The scheme corresponds with the Jeffersonian concept of education in that it selects by ability. It contrasts with the curious idea, widely prevalent in current American society, that all have in some sense a right to higher education, regardless of their capacities, and often regardless even of their desires. It departs from the Jeffersonian ideal in that those once shown incapable of higher education are to be deprived of the opportunity to act freely or to judge their rulers. Here, again, the desire for co-ordination and the stress on education simply as a means to select the appropriate rulers of society lead to a certain false emphasis by making capacity to rule the sole criterion of ability. This, perhaps, is not unintelligible if we keep in mind that for the Greek the state was the whole of society, and that in Plato's view government was not a technical function but consisted in the understanding and application of fundamental truths.

The selection is, of course, made in terms of the psychology previously analyzed. Education is to commence with a physical training. This is to occupy the early years. Those who appear purely children of desire, without any intellectual capacity, must be dropped after receiving this slight discipline, which is calculated to make them good and obedient workers. Their lives are then to be devoted to the productive tasks of society. They are fitted for nothing else, and they must be politically subordinate. For them to have power would be unjust to their superiors. It would also be unjust to them, since justice is

essentially the treating of equals equally and unequals unequally, in proportion to their inequality.

It is noteworthy that Plato says nothing about any technical training for this group: he is seemingly unconcerned with the development of technical ability. Indeed, even if physical education in gymnastics and such matters will make the class of the workers sound in mind and limb, its main object is, as always, the benefit of the guardians. Plato has a deep conviction that sound health and the nearest possible approach to physical perfection are prerequisites to a healthy mind. The ideal was, of course, the Greek concept of a gentleman, one beautiful in mind and body. Even if bodily beauty were not necessary for the guardians, it was absolutely requisite that they should be healthy and well-developed specimens. Perhaps Plato's emphasis here resulted from his own youthful excellence as an athlete. It is, however, not without interest that modern medical science has largely confirmed his ideas, showing that many of the ills and imperfections of mind and character result from such matters as lack of glandular balance and, more appositely, lack of proper exercise.

Those who survive the first elimination are to go on and receive a further training, both physical and intellectual. It will combine some mental discipline with a continued bodily discipline directed to the development of spirit. This is a necessary quality in the guardians, while it will also make good and courageous soldiers of those who fail to show capacity for further intellectual development. The mental discipline during this second stage is to be provided primarily by the natural and mathematical sciences. Mathematics, to Plato, is peculiarly important, since it trains men to think clearly and precisely. At the end of this period, the group is once more to submit to examination. Those who have now reached the end of their capacity are to be turned into soldiers of the state: they have shown their possession of spirit and their ability to control desire up to a certain point. It is, therefore, proper that they should be given a position in society superior to that of the first group; but, since it is clear that they will never be capable of true knowledge and that they lack a philosophical sense, they

cannot rightly be given authority within society. They, therefore, must take an intermediate position between the mere workers and the rulers. Their task is to defend the society of which they are members, following the orders of the highest class.

Those who survive this training, which has occupied some thirty years, are to go on and receive education in philosophy and mathematics as preparation for guardianship of the whole community. Since the philosophy here involved is intended to produce men capable of being rulers of the state, it is a training in the whole of social philosophy, considered as a science of ends and not, like much of our present social science, as a merely descriptive study. It is to continue between the ages of thirty and thirty-five. The Platonic system of education is a much longer process than those with which we are familiar. If the less capable are forever condemned to a determined position, no one is put into that group until he has had a fair opportunity to mature and to reveal any abilities he may possess.

It should, however, be noted that such an education would not only be expensive but would also prevent men from any use of initiative until a fairly late age. As regards the first two classes, this might not matter, since they would always be directed creatures. In the case of the guardians, on the other hand, one may perhaps ask whether the scheme would not be self-defeating, since it is doubtful whether those who had for so long been *in statu pupillari* would possess the capacity for undirected activity.

Plato is perhaps aware of this problem. He insists that knowledge implies the capacity to do. Therefore his guardians, having to be responsible for the society they head, must not be divorced from it. He urges that those duly trained must go and live in the world, taking part in its activities and carrying on practical tasks till they reach middle age. If they prove incompetent in such activities, they are to be eliminated and dropped down into the lower groups. The few who successfully survive are to become the guardians. Until they grow old, they are to spend their time ruling society. Their main function, however, is to understand and contemplate truth: only thus can

they rule wisely. Finally, in old age, contemplation becomes their sole task. Plato is perhaps right in believing that wisdom can come only with experience and age, and in recognizing the dangers of brilliant minds which have not yet been tried. Nevertheless, such a scheme would scarcely be suitable to a dynamic and ever-changing society, particularly since, under his discipline, there would be a peculiar danger of the revolt of youth and of a conflict of generations. Plato provides few outlets for the ebullience of the young. We must, however, keep in mind that he envisages an ideal society, permanent and static, whereas we are concerned with the practical problems of a world in flux.

To sum up, we may note that, while it is possible to interpret *The Republic* as an endeavor to organize a state which shall be just in the sense that each one shall have tasks and responsibilities suited to his equipment, one cannot help feeling that Plato's main concern is the discovery of a small aristocracy, alone ultimately important. That is, the justice of having each in a position suitable to his abilities is not so much the end of society as it is the means to the selection of those who can contemplate and understand philosophy, who can be in harmony with the ideal. Society has to be justly arranged that true knowledge may be attained. For the end is not, in truth, earthly well-being. Earthly arrangements, however right, are only a preparation for the contemplation of the infinite by those who can transcend appearance and know reality. To perceive the idea of things behind their earthly manifestations is what is important. Yet, at the same time, that perception of the infinite (in Plato's view) will alone make possible a sound organization of the finite earthly scene.

Whatever one's interpretation of Plato's ultimate purpose, he does make *The Republic* a vehicle for attacking the social arrangements of the world he knew, which he clearly felt were unjust. His statement of the necessary social conditions for the creation of the guardians and of the way of life that they are to follow embodies much criticism of social institutions as they are. His theories of communism, of the family, of the

relations of the sexes and of eugenics, all suggest the inadequacies of actual institutions and of the popular ideas about them.

Plato delivers a thoroughgoing attack on the idea that wealth is a suitable basis of distinction. For him, the correlation of property and power is one of the great defects of society. When property is the basis of power, men are chosen for political positions by what chances to pertain to them, not by what they are. Moreover, whenever individual property does exist, it becomes the basis of power. Hence property must be eliminated as a private possession in order that all may have an equal opportunity to rise into the highest class in terms of their talent, and that none may gain position unless they are superior in endowments. The lowest class in *The Republic* is, indeed, to be allowed to own property, though presumably the use of the instruments of production and the allocation of the product will be determined from above, since the prime object of the scheme is to provide for the upper groups. That self-denying guardians will live on a minimum of goods, the lowest class enjoying any surplus, does not mean that the latter will enjoy economic freedom. These persons are creatures of desires, and, unless they have the wherewithal to satisfy them, they will become a threat to the superior groups. Nevertheless, the bulk of property is to be communally owned. It is to be worked by the lowest class, whose duty it is to supply those above with what they need. Since the lowest class will be ruled by the guardians, its property will not give it distinction or power, while the members thereof will devote the greater part of their lives to the humble tasks of production with a view to supplying all with the material basis for existence.

The guardians themselves are to live without any property whatsoever. Dining in public messes, they are to eat the food supplied by the lowest class. They are not to own their dwellings or any other possessions. Why? Because, since even the noblest of men are imperfect, they will, if given property, be concerned with its preservation and extension. Thus they would be distracted from their task of ruling the community, as well as from the yet more significant task of contemplating

truth. Moreover, in ruling the community, they would be prejudiced, since they would have a material interest in the decisions they made. Hence they could not rule justly for the general good.

Plato fully understood that vested interests are not compatible with impartiality. One must not, however, make the mistake of equating Plato's communism either with the Franciscan ideal of poverty or with the doctrines of the Marxian. If Plato had some sympathy with the simple life, lacking in luxury, he was not unaware of the value of material well-being. Indeed, his communism was directed towards freeing the rulers from all concern with the unpleasant distraction of the search for bread and butter, though doubtless he was at the same time anxious that they should not, by being oversupplied with material things, become bloated and indolent.

He seems, however, to have been little concerned with the problem of justice in distribution: the wickedness of unearned increment did not perturb him. Economic equality was certainly not for him the great end of political activity: he did not even think it a necessary means to more fundamental well-being. He was concerned to prevent men from acquiring power through property because he was aware that a capacity to acquire property was not necessarily correlated with philosophical ability. He therefore attacked property in the interests of an alternative basis for aristocracy, and for aristocracy of a more genuine character, whose growth would be prevented if riches were the badge of social distinction.

Further, it was above all his ruling class that was to be deprived of personal possessions, not because the existence of a capitalist class would impoverish the masses, but because the rulers would be incapable of true understanding if their attention were to be distracted and their purity of motive undermined by concern with private interests. The guardians, in short, were to practice the art of government for the benefit of the governed, and, owing to the difficulties of their task, it was a full-time job. They were at once the dictators and the servants of society. They were, therefore, to be relieved of care for the morrow, to be supplied with necessary goods. For pre-

cisely the same reason they were to be deprived of the power that comes from vast possessions.

An important criticism of this idea immediately suggests itself: if the guardians did control the public wealth, would they not be tempted to use it for their own material benefit, granted that they possessed dictatorial power? Presumably, since they regulated society, they would ultimately control production. If the direction of production were left in the hands of the less competent, and if these had some property of their own, would they not, being creatures of desire, want more and use their power to overthrow the guardians? The military group, it is true, would stand between and would itself be dependent for its goods on the productive group, while acting on the orders of the guardians. Would there be any guarantee that the discipline of this class would ensure its giving the support of arms to the guardians against the workers rather than throwing in its lot with the latter? Its education was indeed supposed to ensure this, but there are limits to discipline's power over desire, when not backed by rational conviction. While the workers would, on Plato's theory, be in the best possible situation when properly subordinated and directed, it seems dubious whether, again in terms of his own conception of them, they would have the sense to recognize this.

Plato condemned private family life for the guardians, and for reasons similar to those which led him to deny them private property. Family concerns are narrowing. The person who devotes a considerable portion of his life to husband, wife, or children puts them before the rest of society, and, from the point of view of one who is to be a governor, devotes to them undue time. The family, like property, is a source of prejudice and bias. Indeed, it is in itself a species of property. In the ideal state, the rulers must treat all children, whether their own or those of others, equally as sons and daughters. If this is to be done, then the children must be brought up apart from their parents, so that, should the parents meet them, they would not know that they were their own. Nor must man and woman live together as husband and wife. This, too, is a distraction. Rather, they must come together simply for breeding purposes,

and, that the race may be improved, they must be matched in terms of mental and physical equipment. Should weak children be born, they are to be destroyed, that society may not be held back by those who are incapable of performing its tasks. With the family and property both destroyed, the main sources of bias will be absent; and the guardians, the rulers and teachers of the people, can decide who is fit for education and who is not in terms of ability alone.

Any society has to make a selection of persons for different functions and ranks in terms of some criteria; and most people would probably admit that selection in terms of ability is both more noble and more rational than selection in terms of wealth or of the accident of birth. Most of us, certainly, condemn nepotism and doubt whether the capacity to make money is the sign of the best or most socially useful person. Nevertheless, it may be questioned whether the costs of Plato's scheme would not be too great and whether the very practices he suggests might not thwart the attainment of his own purpose. We may readily grant that it is harmful, both to the society and to the individual himself, when a man gains significance through the possession and control of great property, when he obtains power without reference to his ability to use it wisely or without regard to his social value. He renders servile those whom he is enabled to employ as ministers to his needs, thus thwarting any capacity that they may have for the full development of their own personalities. Finally, great wealth, particularly when inherited, may well hinder rather than aid the development of its owner, who becomes enmeshed in the toils of his own possessions.

On the other hand, while it may be difficult to draw precise lines, it seems that personal property to some extent is a means to the development of personality and a legitimate extension thereof. If property implies the power to exclude others from its use and enjoyment, and thus leads necessarily to an emphasis on the self and its privacy rather than on social service, it nevertheless gives opportunities to grow, to indulge in meaningful activities that may, in the long run, be socially valuable. Moreover, it is by no means clear that the possession of some degree

of property hinders rather than develops sympathy. The view of certain socialists, that none should have luxuries while others lack necessities, appeals to humanitarian feelings and is perhaps justified. At the same time, it seems that a sound social ideal would require, not a contempt for material goods, but an endeavor to give all a considerable amount of property by the aid of which they might develop themselves. This is not to deny, but rather to affirm, the falsity of that view which would equate material well-being and the good life, while it is also not incompatible with the idea that instruments of production should be socially owned.

The similar argument against Plato's position on the family is even stronger. One may question whether human beings as they are would submit to sexual relationships determined by an outside authority, even though it may be granted that it is proper and desirable for the state to prevent certain unions on eugenic grounds. Doubtless the system of free selection of marital partners may lead to many unfortunate unions. At the same time, however, intimate relationships are established that might otherwise be unachievable. More importantly, such relationships, when lasting, deepen and widen the sympathies and understanding of those concerned. Marriage, after all, is not simply a selfish affair, even if the members of a family may come to consider the well-being of their narrow group as of fundamental significance. Just as the relation of husband and wife involves considerable development of other-regarding attitudes, so to an even greater extent does the protection and rearing of children. Parents may put their own young first; but it is at least questionable whether the majority of human beings, particularly of men, gain a very deep interest in the young of the species as such until they have, and associate with, offspring of their own. In short, the destruction of family life might destroy precisely what Plato seems anxious to promote, the understanding of, and sense of responsibility to, one's fellow men.

Plato has been much praised for his liberal attitude towards women, for his insistence that men and women alike must be given full opportunity to rise. Looking upon philosophy as the highest pursuit of the human being, he naturally minimizes

the importance of the distinctions between the sexes, since they are differences primarily, and in his view, solely, of biological function. Women, as well as men, may become philosophers. While they have a duty to produce the best possible babies in suitable numbers, this is not to be their sole or lasting function, and they are not to be unduly harassed by the necessity for devoting personal care to those children. Undoubtedly that social arrangement which, turning women solely into child-bearers and domestic drudges, denies to them either the capacity or the opportunity for any wider development, arises from a false inference that, because women are in certain respects limited by their biological functioning, they are therefore totally inferior to men. Yet, at the same time, there *is* a difference of function, which probably has very wide effects on the total personality and determines to some degree both the possibilities of attainment and the means thereof. It is certainly interesting that at this very time there is a reaction on the part of women themselves against the idea that they gain their highest happiness by an eager pursuit of careers and by the rejection of their traditional way of life, even though they may vehemently insist that they should receive education and opportunity to be something other than toilers of the home.

Plato's whole position in these matters rests on a more fundamental fallacy. Rightly insisting that the individual should not regard himself as a being opposed to and fighting the rest of society for his own exclusive well-being, and recognizing that personal interests may lead the individual to this position, Plato concludes that the solution is to deprive men of all individual interests whatsoever. He seemingly holds that, by removing the possibility of temptation and of abuse, the state may produce abstractly rational creatures who, having no interests of their own, will devote themselves exclusively to the community. Yet such beings, were they possible, would surely be persons without any judgment or without any interest whatsoever. It is by means of the extension and widening of the personality through individual reflection and experience, and not by its denial, that socially-minded beings, social philosophers such as Plato desired, are produced. His guardians would be not only divorced

from the community that they rule, but also incapable of appreciating its needs and problems.

Finally, we should perhaps note that Plato's ideal is one of permanent, not temporary, stratification. He is rightly concerned with the quality as well as the quantity of population, and his scheme is devised to bring about its improvement from generation to generation through the elimination of bad, and the propagation of good, strains. While he does not carefully examine, as perhaps he could not in terms of the then-existing knowledge, the relation of biological heritage to educability, he manifestly infers that there is some connection. Yet he never envisages a time when all would be sufficiently capable of the philosophical training to justify a democratic government. Apparently, successive generations in the life of the state are to bring about a higher level throughout, but the distinctions between men are to remain. Yet, from the very beginning, a certain group will seemingly be capable of being philosophers, of approaching the perfect understanding of the universe.

Always, there would be a group wiser and more trained than others. These ought justly to rule, since they alone understand the meaning of the state. Only under their tutelage could the different desires of men be harmonized in a just way. Plato's whole description of the state is avowedly idealistic. The one real state is the idea of the state, a perfect concept laid up in Heaven; and the only rightful possessors of authority are those who perceive and understand this idea. There is here a two-fold emphasis. The state created after this pattern would resemble and reflect the idea of the state, while the guardians would be those capable of contemplating that idea and arranging earthly existence as nearly as possible in terms thereof.

Always we return finally to the question whether *The Republic* has as its aim the discovery of the contemplative philosopher or whether the selection of such philosophers is simply a necessary procedure to the realization of a happy state. Such an organization will produce philosophers, while philosophers will by their authority make and preserve a just social arrangement in which harmony will prevail. Their task, be it noted, is education and the selection of those who, in their own all-wise judg-

ment, are suited to coöption into their own ranks. The function of the guardian is not to make laws, nor yet to apply them. Indeed, Plato reveals a deep conviction that law will not help men to be good; while, if they are bad, they will not make good laws. With good citizens, laws are unnecessary; with bad, they are completely useless. Far less, of course, is it the guardian's duty to carry on technical administrative activities. Plato has no doubt that political wisdom is the understanding of ends, not the mastery of techniques. Here his viewpoint differs considerably from that so widely prevalent today. It would perhaps be a fair generalization to say that, while we stress techniques without sufficient emphasis on ends, Plato develops a scheme of ends without adequate consideration of the value of and necessity for techniques. To insist that politics must use the measuring rod of ethical ideals and must look at things in a general way was undoubtedly wise. Certainly much political misery results from the activities of the practical politician who, in his concern for solving some specific problem, forgets entirely that that problem is related to a wider social life, or believes that skill in technical manipulation is a substitute for a philosophy of politics.

Yet it is also true that administrative and technical problems are important. A sound philosophy is of little use if the attempts to apply it are not carried out efficiently. Particularly in the modern state, administration is of paramount concern. Though it is undesirable to be ruled by politicians who have no criteria of value, but pay all their attention to the techniques for successfully manipulating their fellows, it would be no less harmful to be ruled by philosophers unconcerned with the executive part of government.

If Plato assails purposeless activity, his glorification of the contemplative life leads to a strange exaltation of age. The whole community is seemingly devoted to preparing and educating its best men for the day when they will be old enough to rule. Philosophically it may be true that knowledge compels to action, but practically it is questionable whether men, however wise, would be physically capable of the hard work necessary to run the state by the time their education was complete. Certainly it is a curious idea of politics that would keep men in

subordinate positions, and even regard them as pupils, until their physically active period is past.

This criticism becomes even more significant when we recur to Plato's idea that bias is the root of evil. No one would deny the nobility of conceiving of government in terms of the ideal of justice or of condemning the rule of self-interested groups. Yet, in a world where men are conditioned by inheritance, experience, and environment, and where they are necessarily particular and unique, one cannot hope to produce the perfectly just and absolutely rational being. Education may give a greater understanding of the relations of the individual to his universe, creating a more enlightened self-interest. It cannot destroy the individuality of each person within the universe. Aristotle was to remark that the non-social man must be either a god or a beast. It was just such a man that Plato, in his endeavor to avoid prejudice, was trying to create by removing all the ordinary motivations of human action. In the last analysis, *The Republic* is beyond criticism. It is a scheme laid up in Heaven and a condemnation of the existing universe. Plato may show what true justice really is. In showing it he also involuntarily admits that it is not, and indeed cannot be, a feature of existing governments, since human beings are creatures of prejudice and emotion.

At the same time, the work provides a criterion of the relation of different forms of government to goodness. If what is may never approach what ought to be, Plato was able to use his measuring rod to evaluate existing schemes and to develop in *The Laws* a picture of the practically best state organization. In the eighth and ninth books of *The Republic*, indeed, he discusses the relations of different types of government to the ideal. He shows there the possible decay from that ideal through various perversions, though whether this is intended also as a statement of an actual historical development among the non-ideal forms is not clear. Aristocracy, he holds, is in danger of perversion into timocracy, the rule of those who love glory rather than wisdom. This, in turn, changes into oligarchy, the rule of mere wealth-seekers. Oligarchy, in due course, gives way to democracy, where the poor rule the rich. Desire is triumphant

over spirit and knowledge, and all is anarchy. Finally the excesses of democracy give rise to tyranny. This is the last degradation. For Plato, as for other Greek thinkers, the tyrant is the most despicable of all rulers. All the imperfect, decayed forms are, however, unjust, and therefore unhappy, since in all of them the different faculties of men are in a false relation, with the lower ruling the higher.

The Statesman: *Government
by an All-Wise Monarch*

Turning to *The Statesman*, we find Plato once more concerned with an ideal, though here it is the ideal of a state ruled by a philosopher-king excelling others in wisdom. The problem he sets himself is to discover the attributes of such a ruler and the type of community he would create. The real statesman is the all-wise philosopher, and his object is to make his people virtuous. Once more government is education, and once more Plato insists, even more emphatically than in *The Republic*, that the ruler's task is the understanding of general principles. The arts of practical government are inferior and unimportant. The statesman's object is to make men good, and, provided he attains this end, it matters not whether he rules them by law or arbitrarily, whether he gains their consent or not. Government is above law, the embodiment of tradition, and all traditionally accepted wisdom is rigid and inferior. The true statesman is not concerned with legal principle, but with creating conditions which in the particular situation best aid to make virtuous citizens. The forms of government, as they are commonly classified, are meaningless, since they are not based on the concept that man must be made good.

Much of Plato's argument here is in the form of an interesting analogy between the statesman and the physician. The latter's object is the health, the bodily well-being, of his patient, and he, rather than the patient, may be assumed to know the proper conditions thereof and the necessary measures thereto. Whether the patient agrees with the doctor or not, whether he is cured with his consent or against it, is irrelevant. Similarly, it is not important whether the physician follows principles laid

out in a book or departs from them. His art is to make men well, not to be the subject of rigid rule. Plato would not have talked of a successful operation that killed the patient. In like manner, the object of the state is the moral welfare of its citizens; and the statesman, like the doctor, is one who understands his own peculiar art. It is not for the citizen to be the judge of what is the right treatment for him.

Reasoning from analogy may be illuminating; but it is also dangerous. In general, men do submit voluntarily to the physician because he has had a specialized training and so understands the laws governing the human body and the techniques for healing its ills. The subject with which he deals is a limited one, and men in general are agreed as to what they want. If a man has a broken leg, he wants it to be made whole, whatever he may believe to be the ultimate significance of life. He submits to the doctor just because the problem is technical and because he knows that the specialized knowledge of one who has studied the appropriate techniques will accomplish his immediate end. Even here, however, it is often necessary for the doctor, if he is to be successful, to have the confidence, the consent, of his patients. Bodily ills and mental conditions are not unconnected, and the good physician is not simply one who knows how to cure different diseases, but one who can gain the confidence and coöperation of his patients. This is equally true of the relation of ruler and ruled. There, however, the element of consent is yet more vital, while the possibility of training statesmen as one trains doctors is far less, particularly if one accepts Plato's view that the statesman is not the technical administrator who can apply limited knowledge to a delimited problem.

Moreover, in political life, the question of ends is much more complicated. Even those who are agreed on what they want are frequently unwilling to submit to expert advice as to how to get it. Not less significant is the fact that men disagree as to what they want. Such disagreement may be partly the result of ignorance. It may also arise from a difference in men's schemes of values, and those schemes may be equally attractive and equally capable of intellectual defense. For this very reason an

expert statesman is not possible in the same sense as an expert doctor. The statesman's task is not to apply knowledge to attain an end on which those to whom it is applied are agreed, but to discover a basis of agreement which will allow a more or less stable society to function. Elsewhere, indeed, Plato seemingly recognizes the difference between limited arts whose good is simply in the result and those arts that are good, not only for their product, but in themselves. Further, he specifically points out that the doctor's art is to heal the sick, regardless of whether they are good or bad men, yet at the same time suggests that it is socially undesirable that evil men should be healed. This last may or may not be true; but it is surely clear that the problem of deciding whether they should be healed is very different from knowing how to heal them, even if we grant that there is one final ethical truth of which knowledge is possible.

There is, moreover, a great difference between patient and citizen. Some coöperation by the patient is often necessary to his healing; yet his behavior can be, and frequently is, in the main passive. Indeed, rest, inactivity, is often a condition of cure, and certainly physical health for those who are ill is something to be restored. The physician is called in when the organism is upset: he is not the director of its regular running when well. Today we are insisting more and more on positive health, and here activity by the individual is necessary. Similarly, positive activity is necessary to virtue in the citizen. Men do not become good nor achieve their highest potentialities simply by being forced to behave as another, however wise, judges desirable.

Indeed, perhaps the greatest defect both of *The Republic* and *The Statesman*, and to some extent of all Plato's social philosophy, is that, in insisting on the superior authority of the wise and well-equipped, he reduces those inferior in these respects to the status of automata carrying on the activities judged best for them. Now, while justice may be the giving both of rewards and functions proportionately to merits and capacities, life is dynamic. The individual cannot be treated as one who, having shown a certain degree of ability, is then permanently condemned to a particular position and denied opportunity fur-

ther to develop. Personality involves continuous striving, and one does not attain virtue, either as individual or as citizen, by the renouncing of judgment and experiment. Submission to authority may produce stability. It does not therefore result in the good life.

The Statesman contains some further discussion of law and of the forms of government in the actual world. If the philosopher-king is not to be found, then law is of first-rate importance. No imperfect individual or group approaches so near to perfect social wisdom, that is, to political science, as do the written laws of a people. Those laws contain their past experience, the collective sense of the ages. Governments thereunder may be very short of perfect, but they are at least stable and are preferable to the lack of wisdom of some imperfect and selfish individual or group of individuals. Indeed, the only way to attain any virtue in an imperfect world is to be governed by systems of law that have grown up, and to observe those laws completely. Essentially this is the conservative point of view, to be met with again two thousand years later in Burke.¹ Yet it seems scarcely consistent with Plato's idealism. While one may defend the collective wisdom that comes from the past on the practical grounds that it is a winnowing of what has been shown in experience to be most useful and that by its familiarity it gains ready acceptance, there seems no sound reason for assuming that the product of imperfect men who lack philosophical sense will be any the better because it originated long ago and has had a long life. The imperfections of yesterday have no presumption in their favor as against the imperfections of today. In taking up such a position, Plato is, indeed, abandoning his ideal as a criterion of the actual and accepting a quite different basis of goodness. How far this was due to his dislike of existing Athenian politics, and perhaps to a fear that democracy would lead to that tyranny which by his own ideal was the worst form of government, we cannot be certain, though it is perhaps desirable here to recall that he had seen Athens ruled both by tyrants and by the masses.

Plato next analyzes the different forms of government known to the Greeks according to the number exercising authority

¹ Burke's philosophy is discussed in Ch. XXIV.

within them. Each of these forms may be good or bad, its goodness or badness being determined by whether the law is sovereign or whether those exercising authority are above the law. Rule by a single individual, if under law, is royalty; without law, it becomes tyranny. The rule of the few is aristocracy, which, perverted, becomes oligarchy; while the rule of the many is democracy, which may be either by law or without law. All these governments are necessarily imperfect in terms of the Platonic philosophy. The best of them is monarchy, and the worst tyranny. Aristocracy is moderately good, oligarchy moderately bad. Democracy, when under law, is the worst of the good governments, but lawless democracy is the best of the bad ones. It is the least bad, however, simply because democracy is such a poor government, so lacking in the rule of virtue in any case, that even in its bad form it is incapable of great harm and is therefore less oppressive than the corruption of those forms which, when good, are better than it. For the capacity for virtue, when misapplied, becomes the capacity for vice, and the vice is proportionate to the potential goodness. ✓

Plato believed that virtue was the possession of but a few, and he could not conceive that a multitude might collectively embody more wisdom than any single man. In this he contrasts greatly with Aristotle, whom we shall consider in the next chapter. Today we doubt the virtues of monarchy, though we might admit that, were there an individual of outstanding ability and virtue, he would make the best of rulers. Yet, while leaders may arise in a community, it seems very doubtful if one individual would ever be completely outstanding and distinguished in all respects, since men are conditioned by environment, and we generally find that, in respect to any one quality or group of qualities, a population will be distributed roughly in terms of a normal frequency curve. Moreover, Plato never explains how it would come about that a mass of imperfect and unwise beings would recognize a man of supreme virtue or, recognizing him, would voluntarily grant him the requisite power. It is not uninteresting that subsequent generations rarely defended monarchy in terms of Plato's ideas. Even those *philosophes* who believed in benevolent despotism really desired a

monarch with absolute legal power, but sufficiently wise to accept the advice of an aristocracy of intellect and to support the middle class. On the other hand, recent experience would convince many of the truth of Plato's indictment of tyranny. Certainly tyranny in the form of dictatorship has shown itself capable of departing more widely than other forms of government from the usual rules of morality.

The Laws: *Stable Government
for Imperfect Men*

The Statesman is, however, a short and minor dialogue, important mainly in so far as it offers us a bridge between *The Republic* and *The Laws*, but difficult of interpretation, owing to the corruption of the text. *The Laws* is one of the longest of Plato's works, though not one of the most inspiring. It was probably the product of his old age, and very possibly the result of his despair for mankind, though it may also be interpreted as the result of a realistic attitude painfully acquired by bitter experience. It is, however, possible to see that work as a perfectly logical conclusion of his earlier analysis. In *The Republic* he had set up a criterion for government, but had admitted that the perfect scheme was impossible. In *The Statesman* he had discussed the qualities of the true governor, but had proclaimed that such a one was not to be found. He had then suggested that all forms of government, if they were to possess any goodness whatsoever, must proceed according to law. In this, his final work, he was perhaps anxious to devise a complete scheme for restraining the mob. He proclaims the sovereignty of law, as against the arbitrariness of man and the reliance on individual judgment. He discusses, too, a constitutional scheme of government under law calculated to give realization to some extent to the way of life outlined in *The Republic*, but at the same time not so extreme that actual men will be incapable of following it. The various concessions to human nature are made regretfully, and it is clear that Plato is anxious to preserve as much as possible of the essence of the earlier work. Yet it is

an extremely rigid scheme that he offers, providing in detail the rules and regulations under which the state is to operate. He leaves nothing to chance, and excludes as far as possible the exercise of individual judgments. Men are to be but the servants of a legal scheme, and change is to be made only when the lack thereof would be disastrous. Not only is formal law to prevail, but the whole custom and tradition of the people is to receive a reverence little short of superstitious. Life is to be regulated so as to limit to the utmost the sphere of individual freedom and initiative, even if, as a concession to men's miserable natures, it is necessary not to put them in straitjackets.

The dialogue opens with three old men walking from the site of Cnossus to the cave and temple of Zeus, conversing and resting as they go. Of these men one is an unnamed Athenian, who is the main speaker, and instructs the others. Indeed, the greater part of the work is a monologue, with occasional interruptions and questions by the other two. The second is a Cretan, Cleinias, who, we learn later in the work, has been appointed to draw up a constitution for a proposed colony to be founded by his countrymen. The third is a Spartan, Megillus. The object of their discussion is to discover the proper laws and institutions for a model state in terms of the actual capacities of men. For this purpose they decide to incorporate and synthesize the best features of the political arrangements of their respective homelands.

The discussion starts with a criticism and appreciation of the social arrangements of Sparta and Crete, which aim at the inspiration of courage in war. It is admitted that courage of this sort is important, but at the same time Plato, through the Athenian, who is throughout the representative of his views, insists that for a truly good society one has to have not one virtue, but all. The chief virtues to be harmonized are courage, temperance, and peacefulness. The immediate stress is placed on temperance, which is itself a superior form of courage, leading men to conquer and control their lust for pleasure. Plato no longer holds, as in *The Republic*, that desire can be completely subordinated; but he feels that it is necessary not to let it conquer

one. Where formerly he had set up as his ideal the perfect philosopher, he now extols the balanced and sober man. The problem, then, is how to produce such a being, and the answer is, by education. *The Laws*, no less than *The Republic*, makes the state primarily an educational institution. The education is, however, not to be directed to the production of all-wise rulers, but to a more limited and practical end, the conquest of desire.

The means suggested are in certain ways amusing. It is urged that there should be festive gatherings of the people, directed and controlled by the elders, sober and wise. At those gatherings wine is to be consumed, since wine has considerable educational value. Wine is a test of character and reveals men's true natures, particularly when they are of mature years. Plato seemingly believes that *in vino veritas*. Moreover, the drinking of wine is an excellent way of learning whether one's acquaintances are trustworthy before one develops intimate friendship with them. To give liquor to one's friends is not only a sure means of testing them: it is also quick and cheap. This whole discussion is interesting in view of recent American experience. While Plato is often considered an ascetic, in this respect, at least, he did not believe that the way to morality was through the denial of desire, but felt rather that the making of choices was a test of character and an indication of capacity. He further argues that wine will enable the old men to unbend sufficiently to take part in choruses and in musical festivals. In so doing they will direct and control the young, whose early education requires a proper training in rhythm and in the dramatic arts. Once more we note that Plato does not suggest that the old should frown unsympathetically on youthful pleasures, but that, by understanding and participating in them, they should give them a certain tone and prevent excess. Moderation is the end in view. Accordingly, the state should have vineyards but should not devote too much of its territory to the cultivation of the grape. As for hard liquor, that should be completely forbidden, while children should not be allowed even wine.

From this subject Plato turns to a discussion of the nature of

government, beginning with the origins of the various forms thereof. This leads rapidly to a condemnation of the extreme forms of government, where either excessive liberty or tyranny ruins society. The dangers of too great liberty for the individual in youth are especially noted. The young are irresponsible and cannot rule themselves. Unless they are properly disciplined, they will never learn responsibility, and so will never be capable of assuming power in the state. It is, indeed, a function of the lawgiver to see that institutions are so arranged that such persons shall not gain power and bring ruin upon their fellows. This doctrine of discipline affords a great contrast to the later theories of Rousseau, who, while in many respects Plato's disciple, advocated an education nominally based on the encouragement of the natural desires of the child. Rousseau's theories have become the basis for many of the modern experiments in education, and the progressive school is the child of his brain.¹ The results of that system, at least in its extreme form, seem to suggest that Plato's doctrine had in it much good sense. If the older discipline was excessively harsh, the condition of current society leads to some question as to whether we have not gone to extremes in the other direction, producing, as a result, persons lacking in mental sinew. Plato feels that fear of punishment plays a legitimate part in education and that its absence leads in the young to disobedience towards their parents, and in the adult to lawlessness.

Fear is not, of course, the best motive for action; but it can at least be argued that it is practically necessary in dealing with ignorant and imperfect mortals. Certain of the modern schools of psychology have condemned it utterly, and many penological reformists, impressed by these ideas, have somewhat unrealistically urged that punishment by the state should be entirely replaced by kindness. Again, while we may admit the undesirability of torture and may regret the recrudescence in certain

¹ Rousseau's political ideas are discussed in Ch. XXII. His educational theories, as developed in the *Emile*, are beyond the scope of this volume. The kindergarten movement started by Froebel, derived, through Pestalozzi, from Rousseau, was largely inspired by Rousseau's ideas. Rousseau's desire was to evoke natural goodness, not to promote social stability by inducing an unthinking acceptance of custom and convention.

countries of barbarous behavior in this respect, we should also note that the results of a sentimental leniency have not been altogether socially desirable.

The aim of discipline, in *The Laws*, is to promote a proper relation between values, and it is the object of the lawgiver to see that the pursuit of property is subordinated to the pursuit of bodily perfection, while both are of less importance than the development of temperate souls. The state in which this arrangement can be achieved must be free, that is, autonomous, must have harmonious relationship of its parts, and must be directed and run with good sense. Ideally, such a state would be brought about by the rule of an all-wise philosopher-king. Since such a being is rarely discoverable, the best practical state is the state ruled by a code of laws, given it by a lawgiver of sense, and regarded with reverence.

The question necessarily arises, what is the purpose of laws? In the last analysis, they must, of course, force the citizen to obey by means of sanctions. This, however, is by no means their whole function. They also have for their purpose the persuading of people to do willingly what is good. That is, it is desirable to reason with the citizen, to show him why he ought to do what the law prescribes. Laws must be not simply the fiat of legislators, but rational precepts of conduct which will appeal to men's intelligence. It is for this reason that Plato insists that all laws should be preceded by a preamble discussing the purpose of the enactment and giving a rational justification for it. He realizes what we on occasion forget, that compulsion alone is unlikely to bring about a law-abiding community, and that, even if it were possible to force everyone to obey every law, the result would be not free and intelligent citizenship, but tyranny. While Plato in this late work advocated an intense reverence for law, he was aware that to gain such reverence it was necessary to obtain the maximum degree of consent, and that this in turn necessitated education.

Following this general discussion of principles of legislation is an analysis of the goods of the soul, which once more leads to a praise of temperance. This in turn is followed by a detailed discussion of the actual arrangements of, and conditions for, a

stable state. It is in the course of this analysis that Plato advances the modification of his earlier views concerning family and property. The family is to be granted an existence, though family life is to be controlled by the state. Plato recognizes that men are unwilling to live without family affection or to become prize stock, with their sex life confined to breeding according to the decisions of authority. Yet he does not abandon his eugenic aim. While married couples are to be allowed to live together, the state may, nevertheless, order those who seem likely to produce good offspring to assume the married state. Regulations to prevent disgenic unions are no less stringent than in *The Republic*.

It is in *The Laws*, moreover, that Plato clarifies his ideas about eugenics. The people who are to be persuaded to marry are those with opposite qualities, that the offspring may be balanced, having a maximum of different qualities but with none in excess. Perhaps one may here comment that the difficulty with eugenic schemes is, first of all, to know exactly what qualities are socially desirable. Secondly, even on the basis of present biological knowledge, it is almost impossible to predict what sort of offspring any given couple will have, save perhaps in terms of purely physical characteristics, no matter how much one knows about them or their ancestors as individuals. Indeed, it is not unusual, when people of very dissimilar qualities are married, for the offspring to reproduce the characteristics of one or of the other, rather than to provide a synthesis.

Married people are not to be left in peace. Plato had little sympathy with the desire for privacy. Rather, the state was to have a whole army of censors, of what we should today call snoopers, who were to go around and watch people's morals. One gathers that the most intimate acts of life were not to be free from observation by the servants of the state. Plato was not so much a puritan who condemned sex as wicked as he was a eugenicist who feared the debilitating effects of excess. Moreover, he was deeply concerned with the population problem. If the quality of the population was of primary importance, its quantity was also significant. For the sake of both, the age limits within which men and women might marry and the number of

offspring they should produce were regulated by law. Plato desired a limited and stable population because he felt that population growth involved expansion and prevented the preservation of stability. In an age when technology was not developed, such a position was not unintelligible, while even in our industrial civilization the current examples of Italy and Japan suggest that the population problem is still an important force driving to political expansion and perhaps threatening stability. When it is further remembered that in Plato's time the possibility of divorcing sexual activity from the production of offspring was slight, save through abortion, his view becomes yet more comprehensible, even though his insistence that the state should contain precisely 5040 heads of families appears to us a little strange.

In this connection it is amusing to note that Plato anticipated Mussolini's practice of taxing bachelors. It is man's duty to the state to marry and to produce offspring. If men had not married by the age of thirty-five, they were to pay a penalty, lest they assume that ease and economic well-being were a reward for remaining in single bliss. Plato, however, had a further reason for taking this position, and one not stressed by Mussolini. Children, he said, were a means by which a man might share in immortality, and therefore marriage was for the good of his soul. This seems directly in contradiction with his previous view in *The Republic*.

As Plato accepted the practical necessity of family life, so he accepted private property. In dealing with this question, his first consideration is once more stability. He admits the necessity of property for men as they are, and even gives political authority in terms of it. He is, however, fully aware that the co-existence of extreme poverty and extreme wealth will bring about conflict and revolt. Hence the laws must limit inequality, an objective also desirable since the very rich cannot be good, and so cannot be happy. Property may be necessary, but it is to be subordinated to courage and temperance, the virtues of the body and of the soul respectively. Nevertheless, no one is to be entirely without property, since this will deprive him of the necessities of existence and prevent him from being a free citizen. Everyone is to have a certain minimum. Plato thus

anticipated, in principle, the "Share-the-Wealth Plan," which has enjoyed so considerable a popularity in Depression America.

Since the chief property, and for Plato the only completely desirable form of property in the state, is land, everyone must be given access thereto. Productive instrumentalities are not to be monopolized, and a capitalistic system under which some have no property save their own labor is to be prevented. The division of this land is carefully arranged. The city, for the sake of protection, is to be in the center of the state's territory. Around it the land is to be divided into 10,080 allotments, in such a way that each family may have one allotment and home near the city and one out in the country. Thus they will enjoy the benefits both of city association and of farm life.

Plato, no less than Aristotle later, dislikes a commercial society. Accordingly, he condemns the lending of money at interest and insists that the amount of currency be rigidly limited in terms of the normal needs of daily exchange. Nor must dowries be given in marriage, since these also provide capital and encourage accumulation. That greater wealth would be produced by an industrial and commercial society is to him unimportant, since wealth is a hindrance to, rather than a cause of, virtue. He sees full well that, in a commercial society, far greater inequality will develop than in a purely agrarian community. As a result, stability is endangered by such a society; for commerce and population growth are the twin causes of expansion, and the expansion of a dynamic society necessitates a continuous changing of the laws, preventing planning, and destroying that reverence for a particular order which Plato considers so fundamental to civic virtue.

One more criticism of Plato's whole treatment of the topic of distribution does seem justified. By making wealth, however limited, the basis of political power, Plato was abandoning the theory of the aristocracy of intellect which had marked *The Republic*. He did not investigate very carefully how the law limiting wealth was to be preserved when the wealthy had the greatest power in the state. Yet, if property was the source of political discord, and if men were corrupted by its possession, surely the wealthiest class would try to repeal the law limiting their

acquisitiveness and taking from them any surplus they might gain, while the poorest group would continue to feel envy.

After some further discussion of the preceding topics and a very detailed investigation of such matters as the desirability of walls around the city, Plato returns to education. The offspring produced by the state-controlled marriages are not to be taken over by the state, as in *The Republic*. Nevertheless, the state is to supervise completely every activity of youth, and no child is to be exempt from Plato's thorough-going educational program. Grown-ups, too, are to be subject to this supervision in their public activities, as well as in their intimate life, for the sake of the children, whom they may corrupt by evil example. Both Plato and Aristotle felt that indecency in words and in shows led to indecent life. The censorship of all expressions of thought and art provided in *The Laws* would have delighted the heart of a Comstock or a Sumner. The taking of wine might be good or bad in its effect, and so men could have freedom here; but Plato did not believe that virtue always consisted in a voluntary choice between good and evil. Certain activities were in their nature bad, and the only way to deal with them was to prohibit them entirely lest they corrupt society. It is at least curious that one so eager for the training of the mind and so convinced that the highest form of life was that of the philosopher should have been so insistent on limiting the direction of inquiry and on eliminating unorthodox ideas opposed to his own moral convictions. Plato, like the Catholic Church, not only believed that ethical truth was attainable, but was convinced that it was in his possession.

The regulation of childhood begins at birth, though the early regulations are necessarily for the parents. Plato holds that it is bad to wrap babies up in great bundles of clothes, since they need freedom of movement for their development. Nor is it desirable to pay attention to a child every time it cries, since he must learn to bear pain and not to become completely pleasure-loving. At a later stage he must be given games which will develop character. He must also be punished and not pampered, though punishment is to be of such a character as not to degrade, but to direct. The curiously modern tone of these observations

will strike even the most casual reader. From the age of six years on, the sexes are to be separated, although both are to be trained in the use of arms. The training is to include gymnastics for the well-being of the body and music for the soul. Children are to be made ambidextrous, and to this Plato attaches great importance, perhaps because of his whole philosophy of balance and harmony. The games that children play must never be changed, nor must any innovations be made in them. This is quite fundamental, because those who have in youth grown used to innovation in trivial matters will come to desire it in later years, and will strive to bring about changes of the law, thus undermining its permanence and the resultant stability of the state. While we may not agree with Plato's desire for a completely static society, it is again interesting to see how he anticipates the emphasis of modern psychologists on youthful habits.

Curiously enough, Plato does not pursue the subject of education to its conclusion but devotes the remaining part of *The Laws* to a whole variety of regulations, giving a detailed code to cover the subjects already discussed, as well as a complete criminal code and a considerable analysis of the part to be played in the state by religion. This last is somewhat interesting in that it stresses the importance of belief to the state, a doctrine that was to play an important part in subsequent political discussions; while it anticipates rather strikingly Rousseau's subsequent doctrine of a civil religion with punishment for unbelief.¹

Here, however, we are concerned only with the type of government Plato considers desirable for the defense and protection of his state as a going concern, once the constitution has been given to it. Its objects are to eliminate conflicts between different groups and thereby to ensure stability. It is accordingly to be a compromise between monarchy, which, being based on the principle of authority, too readily becomes tyrannical through the excess of that principle, and democracy, which carries liberty to extremes. The rule of the best is abandoned for the rule of moderation, a principle in which Plato was once more followed by Aristotle. Over all, however, the law is to be supreme. There is to be a balance of the two principles so that

¹ See Ch. XXII, pp. 639-642.

neither may be carried to excess and so that no arbitrary government may result. To this end there is to be a very complex arrangement of different offices. The people are to have some power in choosing their rulers, though not complete power. A group of candidates is to be selected by vote, and the choice among these is to be determined by lot. However, not all citizens are to be eligible for all offices, since not everyone is equally qualified. It would be unjust to treat unequals as equals. While the basis of political power is now wealth rather than ability, Plato thus returns to the doctrine of justice set forth in *The Republic*.

At the head of the state, however, and above the different branches of government, is to be set a board of elders with a veto power. Their task is to guard and protect the laws, to see that they are well observed, and to prevent hasty change in them. They are to be men in late middle age, elected by the wealthier class of citizens. Yet beyond them there is still another authority, a Nocturnal Council of the oldest and wisest men in the state, to whom are added an equal number of younger men, chosen by the seniors in terms of capacity. The council is to keep before its mind always the end of the state, virtue. The older members will see to it that the laws are preserved intact and observed with reverence, while their young colleagues will suggest necessary changes. Thus there will be no excessive conservatism and no radicalism. Under the careful limitation of this council, semi-popular institutions can work without the threat of damage to the state from their actions. There will be some political liberty, and the citizens will have the appearance of taking part in public life. Not only will there be a general assembly whose main function will be to exercise the vote, but the citizens will also have some power in the administration of justice through a jury system. An appeal court selected with great care will, however, prevent the abuses of popular justice.

The whole arrangement emphasizes Plato's continued distrust of popular institutions and his desire, since men are weak, to rely on written law and established custom. The placing of young men on the Nocturnal Council seemingly indicates that even he realized the impossibility of creating a society of human beings

of an entirely static character. His whole scheme differs from present attitudes in that he has no belief in the possibility of what we call progress and sees no advantage in change. Development was not to him inevitable, and he possessed a far greater faith than we do in the possibility of shaping men's lives according to a permanent plan. Yet, if the conservatism of law may readily become a reactionary rigidity, preventing adaptation to new conditions, Plato's emphasis on the value of established legal principle and of continuity in society should not be dismissed too lightly. Those who live in this country may at times feel that in certain respects, and excluding the differences in property rights, they live under a scheme not unlike that of Plato's *Laws*, though lacking even the benefits of limited youthful influence. Certainly many would maintain that the Supreme Court might best be reformed by introducing young blood alongside of the nine old men. Plato overemphasizes the possibility of conscious social control in terms of a predetermined scheme of values, and underestimates the dangers of conservatism in the face of changing situations. It is not impossible that we, on the other hand, dismiss too lightly the importance of principle, and overstress the determining character of environment in social affairs, even as we too complacently insist on our control of environment on the purely material side.

In conclusion, it may be said that, whatever our agreement or disagreement, in terms of preference, prejudice, or increased knowledge, with Plato's solutions for specific problems, and whether or not we think his total philosophy leads to a rigid and totalitarian state, the modern world has too cavalierly rejected both the idea that political programs should be formed in terms of a conscious philosophy of ends and the belief that government should be conducted by an aristocracy based on ability. In America particularly, despite the recent Brain Trust, the making of programs and the formulation and use of techniques of political manipulation with a view to putting them in effect has been too largely in the hands of the practical politician and of the parties dominated by him; and at the same time students of government have more and more concerned themselves with the technical problems of administration and the securing of specific

reforms, conceived in terms of more or less vague ideals of efficiency or humanitarianism. If Plato stressed too little the complexities of human nature, and if he developed unduly rigid schemes for the government of his fellows, he nevertheless had the supreme merit of viewing statecraft as at once an art and a science, and of seeing it, moreover, as the supreme art. His state may have left little room for individual choice; but at least it did not casually abandon men to the tender mercies of their more ruthless and materially successful fellows. If freedom for the individual was slight, the rulers of society were not to be able to disclaim responsibility for what happened in society. The abandonment in our age of *laissez faire* suggests that we are perhaps belatedly coming to an acceptance of the Platonic viewpoint, although many recent experiments also suggest that for anarchy there is being substituted a new worship of blind power rather than an intelligent theory of social purpose and social responsibility. We must never forget that there are two sides to Plato's theory. While there is a stress on discipline and order, there is also an insistence that these are justified only when just, that is, when directed towards the making of the happy man, the equating of the good man and the good citizen.

Bibliographical Note

While the monographs concerning Plato's thought are numerous, the student is advised that, whatever may be true of other dialogues, *The Republic* can only be appreciated through first-hand acquaintance. *The Dialogues of Plato*, edited by Benjamin Jowett, is the standard edition of his works. R. L. Nettleship's *Lectures on the Republic of Plato* gives a readable and relatively simple account and interpretation of that dialogue. A more advanced and technical work, with much valuable discussion of specific problems from the point of view of the Hegelian Idealist, is Bernard Bosanquet's *Companion to Plato's Republic*. It is not suitable for the beginner. Barker's *Plato and His Predecessors* contains a systematic account of the various political dialogues and of their relationship. His discussion of *The Laws* is particularly full and valuable, while the story of Plato's life given at the beginning of this chapter is largely based on his account. In an appendix he also presents a detailed summary of the subsequent influence of Plato's political ideas.

In certain respects, however, G. Lowes Dickinson's *Plato* is the most useful work for a beginner. It is a simple, well-written interpretation of Plato's essential meaning. It was first given as a series of radio addresses over the British Broadcasting Corporation and was designed for a popular audience.

CHAPTER IV

Aristotle: Politics as Sociology and Ethics

IF PLATO'S family history may help to explain his devotion to Athens and his political sympathies, the same is not true of Aristotle. Indeed, in terms both of origins and of experience one might expect Aristotle to be not simply a critic of Athenian institutions, which he was, but a sceptic concerning the whole idea of the city-state and the prophet of imperialism, which he most emphatically was not. His political philosophy, indeed, is singularly at variance with his experience and his seeming self-interest, a fact that needs some explanation by those who insist that political philosophies are always rationalizations.

Aristotle's Life: City-State and Empire

Aristotle was born at Stagira in 384 B.C. That city was in the Chalcidice, a peninsula colonized by the Greek city-states, but properly part of Macedonia. Aristotle's parents were both of Chalcidian descent. His father, moreover, was court physician to the King of Macedonia. This may explain Aristotle's own later interest in medicine and the frequent use he made of medical analogies. What is significant for our purposes, however, is that, while the Macedonians were Greeks ethnologically, they were not considered by the Greeks of the city-states as true Hellenes. They were governed by kings, and in the Persian Wars had been forced to aid Cyrus against their fellows to the south. They shared neither the Greek traditions and government nor the Greek culture. Yet it was among them that Aristotle was born, and he was to return to his native land and to remain for many years during the very time that it was becoming great.



Aristotle

His youth, however, was spent mainly abroad. He was left an orphan while still a child, and was taken under the guardianship of friends of his family in Mycia, a province in Asia Minor. At the age of seventeen he was sent to Athens, where he attended Plato's Academy some twenty years, till Plato died. During this time he became thoroughly conversant with Athenian politics and institutions, and came to share, broadly, the views of Plato himself. On the latter's death he went to Atarneus, on the Ionian mainland opposite Lesbos, at the invitation of Hermias, who was in charge of the district. The latter, however, rebelled against Persia and was executed, and Aristotle crossed over to Mitylene, in Lesbos. Thence he returned to Macedonia, to the Court of Philip, where he held the position of tutor to Alexander.

Alexander remained under Aristotle's tutelage till he reached the age of sixteen. Aristotle himself did not return to Athens till Alexander set forth on that Asiatic campaign which was to earn him the title "the Great" and was to spread Greek influences through the Persian Empire, influences that had a lasting effect on Asia Minor, where Greeks and Persians had for long lived in uneasy contact, with ever-varying power. How far the teacher influenced his pupil it is hard to know, though we may well imagine that their relations were not always unruffled and that Alexander did not fully take to heart the master's teachings. But, if he never accepted the ideal of the city-state, he was made aware that he was a Greek and that the Hellenes were superior to barbarians. It is said that Aristotle influenced him to treat his fellow-Greeks with consideration and to leave them all possible liberty; while it is notable that Alexander relied almost exclusively on Greeks in staffing his army and administering conquered territories. That he had some concept of what Aristotle was doing and of the value thereof seems very probable. At least he kept a whole group of scholars busy collecting from the various parts of his empire material which Aristotle might find useful—one of the earliest instances of coöperative research endowed by government.

Meanwhile Aristotle had set up his own school, the Lyceum, in Athens. While Alexander conquered, he taught. Nor was

he less successful than his pupil. As a lecturer in philosophy he drew crowds and achieved tremendous popularity. But the Athenian government, though existing on sufferance, was not reconciled to its inferior position and had not abandoned all ambition. It feared the political consequences of Aristotle's teachings in terms of its own safety; while, if the known friendship of Alexander suggested discretion, it also provoked suspicion. When Aristotle had been teaching twelve years, Alexander died (323 B.C.). The former's safety was immediately endangered, and he soon found himself facing a charge similar to that brought against Socrates, and comparable to accusations of heresy and atheism in a later age. Unlike Socrates, he decided not to face the issue, since the courts were manifestly prejudiced and he was certain not to receive a fair hearing. Declaring, according to legend, "that he was unwilling to involve the Athenians in a second crime against philosophy," he fled, and returned to Chalcis, where, however, he survived not much longer than a year. He probably died of some digestive trouble, though it has also been held that he committed suicide, while explanations yet more fanciful are not lacking. His general attitude towards life and his dislike of extremes, despite a reputed fondness for dandified raiment, suggest that natural explanations are the wisest. Certainly it would be strange if he had fled to avoid death and then so soon committed suicide.

The preceding account, while it gives the bare facts of Aristotle's life, insofar as they are known, reveals comparatively little as to his character. It does, indeed, suggest a variety of experiences and an existence by no means sheltered or confined to book-learning or its equivalent. To those diverse experiences we may perhaps trace Aristotle's interest in discovering facts, as well as his emphasis on the value of comparative material in dealing with politics. Nevertheless, save for his manifest and studious devotion to philosophy, his outward life gives little aid in understanding his thought, while we know practically nothing of his connection with, or influence on, the events of his time.

We may, however, make certain surmises from our knowledge of his general philosophy of man. Plato had lived to see the

excesses of Athenian democracy and unsuccessful imperialist adventure reduce the once dominant city to a position of comparative weakness and inferiority as compared with first Sparta, and then Thebes. Aristotle saw the completion of the process, first with the rise of Philip of Macedon, and then with Alexander. For several centuries Athens, as well as other city-states, was to have a culture and a life of its own; but as fully independent communities, the Greek city-states were almost at an end. Aristotle, however, did not entirely welcome the new and wider world that was coming into being. It is perhaps true that, just as Plato was interested in Sicily as an outpost protecting Greek civilization against barbarians, so Aristotle welcomed the imperialism of Alexander because it spread and guarded the Greek way of life. Both certainly had the usual Greek conviction of the inferiority of non-Greek, barbarian, ways of life. On the other hand, neither was an advocate of the uniting of all the Greeks in a close national or imperial federation, a position taken by Isocrates alone. Yet it is an error to suppose that their devotion to the city-state idea was the outcome either of a petty exclusiveness or of an unawareness of the possibilities of wider units.

Certainly Aristotle knew far better than most Greeks the trend of the times; but, if he could approve Alexander's operations because they were of service to the Greek cause, he did not abandon his conviction that genuine political life necessitated a small-scale organization. In this sense he turned his eyes to the past, desiring, not the substitution of nation for city-state, but the revival of the latter through reform, by the removal of the abuses within it that had weakened it and brought about its decline.

He saw in the growth of political equality the destruction of the essential values that the city-state had to some extent realized in its heyday, values achieved by long struggles. His theories were based on a detailed knowledge of the past history of Greece and on a reliance on the teachings of experience as embodied in history. He disliked the present in which he lived and was keenly aware of its faults. Perhaps he failed to see that those faults were inherent in the very system itself and could be removed only by an almost revolutionary change—a change that

was in fact to take place after his time. Yet it is possible to maintain that he was essentially right, that an active and intelligent self-government can be secured only when men are organized in small units. That he failed to allow for the possibility either of federalism or of representation is perhaps true. However, it is well to remember that the Greeks were not entirely unaware of the practice and uses of representation. Aristotle may have rejected such a procedure as incompatible with genuine citizenship. If so, one cannot dismiss his position lightly. Modern experience suggests that the great nation-state makes intelligent participation in politics by the mass of citizens difficult, if not impossible, at least on a territorial basis.

Aristotle's Method

At this point it is necessary to explain Aristotle's procedure. In his studies of nature and of logic he had worked out a rigorous scientific method; and in his treatment of politics he was equally systematic, applying the methods already developed where they were suitable and working out special techniques for sociological study where necessary. Fundamental to his treatment of government was a careful and precise definition of terms, necessary, in his view, that confusion might be avoided. His procedure is often condemned today on the ground that human nature is exceedingly complex, and that to define is to formalize, and consequently to ignore the dynamic variety of experience. A refusal to define may, indeed, give an appearance of novelty to analyses and may at times incidentally, or one might perhaps say accidentally, permit a valuable illumination. Nevertheless, it is equally clear that errors in reasoning, as well as conflicts that are apparent rather than real, result from such a procedure.

Much of the distrust of political philosophies based on definition arises from the belief that in some sense they are connected with a type of reasoning that ignores the facts of experience. No such accusation, however, can rightly be brought against Aristotle, who condemns Plato for not paying sufficient attention to history and for creating schemes of government without due

reference either to the nature of the human animal or to the forms of government actually adopted by men. Aristotle himself was a very careful observer, and had an extraordinary knowledge of the political institutions both of his own time and of the past, not only in the Greek world, but also among the barbarians. It is said that he studied well-nigh two hundred constitutions; and we do possess his very thorough analytical exposition of the constitution of Athens.

Yet, while he insisted on the importance of observation, he did not believe that the collection of data was the sole task of a political thinker. He judged the value of institutions in terms of a complete ethical system, realizing that description alone leads to no meaningful conclusion. Everything, including the state, had to be measured in terms of its purpose. It is true that he began that realistic study of political change which plays so important a part in contemporary political analyses. On the other hand, he stressed the problem of value and the importance of ethical judgments, which we often profess to ignore. He may legitimately be considered the father of the study known today as comparative government. Yet politics is to him, as it was to Plato, the culmination of ethics. It is easy to forget this, because the *Nicomachean Ethics* constitutes a superb and rounded system, while the *Politics* seems diffuse and at times disjointed. Essentially, however, what Aristotle did was to bring the ideal of Plato down to earth, and, accepting Plato's general view of proportion and harmony, to adapt it to the practical politics of the city-state.

To the *Politics* we now turn. Like many of Aristotle's works, it was not written down by the author himself. It probably consists of the lecture notes taken by one of his students and happily preserved. Unlike many of the other works, however, it is seemingly imperfect and incomplete. Whether some links in the arguments were accidentally left out, or whether the work was never fully completed according to Aristotle's intention, is not clear. Scholars have for long disputed as to whether certain portions of the text are later emendations or attempts to amplify and develop Aristotle's supposed meaning. The correct sequence of the books into which the *Politics* is divided has also

caused interminable, but on the whole fruitless, wrangles among the learned. Under these circumstances, it is probably sensible to follow the advice of a distinguished classical scholar, Jowett, and accept the order of the manuscript rather than to indulge in ingenious, but ultimately unprofitable, attempts at reconstruction. If at times this causes some difficulty in following the trend of the discussion, one is on the whole, and in view of the circumstances of its composition, impressed by the coherence and completeness of the work rather than by its lack of these qualities.

*The Definition of the State:
Origin and Purpose*

The first book does, however, reveal to us Aristotle's essential theses, of which the subsequent books seem to be illustration, amplification, and proof. Aristotle begins by pointing out that every state is a community, that the state is a species of the community, a genus. This in itself appears obvious and not very helpful; but it was through distinctions that Aristotle was able to work out his whole philosophy. Such simple statements soon lead to inferences of vital importance. Communities are always established for some good end, since men always act to obtain a good. The state, however, though logically distinct from other forms of community, of which it is one species, is in the ethical order the highest, embracing all others. Hence it aims at the highest good. Thus at the very beginning Aristotle introduces the ethical element, insisting on the necessity for evaluation, as well as description, for adequate definition.

How does Aristotle arrive at his position? He does so by pointing out that governments are of different kinds, and by analyzing the origin of the state. That the race may exist at all there must be a union of male and female, who, indeed, cannot exist without each other, being driven by instinct to mate. Such mating, however, is not peculiar to men and does not differentiate them from the lower creation. Among human beings there is a further requisite union, that of the natural ruler and the natural subject. This is necessary that both may be

preserved. For those who possess foresight are destined by nature to rule, while those who lack it must be subject. This is the basis of Aristotle's claim that some men are by nature slaves; and he points out that, since preservation is from one viewpoint the prime object of a human being and because some do have foresight, it is to the interest of both master and slave that they should be in this relationship.

The family is an association based on the two relationships above described. It is the natural association for the supplying of daily needs. Several families sooner or later unite in order to supply more than this, and so the village grows up. A village is essentially composed of those among whom there are bonds of kinship. The village, however, is itself only adequate to supply men's minimal material needs; and the state arises from a union of villages in order that men may enjoy, not simply life, but the good life. The state, Aristotle concludes, is therefore natural. Why, one may ask? Because it is the end of the earlier associations, and the nature of a thing is its end. What does this mean? Aristotle does not consider the state natural simply because, in the course of time, it evolves from prior associations, but because only within it can those associations, and ultimately the individual, attain a complete development. For neither is simply what chances to exist. The nature of a thing is the complete development of it, its perfection in terms of its function. Now the aim of man is not simply animal existence, which is also shared by the brute creation, but "the good life," which distinguishes man therefrom. That this life may be enjoyed, independence is necessary; and independence of a complete kind is for the first time attained in the state. Therefore the state is natural to man, as enabling him to realize that end which differentiates him from other parts of creation.

All through this discussion we note that the term *natural* has a dual connotation. On the one hand, what is natural is what is instinctive and original; on the other, it is the perfectly harmonious and rational. In subsequent political discussion, the two become separated, and we find *natural* used variously by different thinkers as equivalent either to *primitive* or to *rational*. In Aristotle alone are the two completely interwoven.

While the state is a natural growth, the final product of an expansion, it nevertheless exists, in Aristotle's view, before the family or the village. It is the most perfect human society; and, granted that the nature of anything is its perfect development, then the state exists from the beginning of human life, since the object of that life is the perfection of the individual. In terms of time the state may come last, yet it exists from the first. The individual is not in himself a perfect and independent being. He must therefore be a part. Of what is he a part? Manifestly of the state, since it is through the state that he gets his proper independence. All parts are parts of wholes; and without the concept of the whole, the part is meaningless. Hence the individual is naturally a citizen. It is on this ground that Aristotle points out that one who is incapable of association with others, who is not necessarily a member of the state, must be either a brute or a god, not a normal human being. The conclusion, of course, is that he is a brute. It is on this ground, too, that Aristotle may say that man is by nature a political animal, since only in the state can he become what he potentially is. In the state man is the noblest of animals, but outside it he is the most depraved of all, not being ruled by law and justice. It may here be noted that, on the one hand, Aristotle avoids the pitfalls of an anarchic individualism, while, on the other, by insisting that the state has as its end the well-being of its members, he avoids equally the theory of state as a super-being, above and apart from its members. The state is an organization necessary for men's development, not a being with independent purposes.

Why is the isolated man so vile? Man's aim is virtue, and it is for the attainment of such virtue that nature has endowed men with powers. Animals can make sounds showing pain and pleasure, but to man alone is given the power of speech, which allows him to distinguish between the just and the unjust. This power differentiates him from all other creation through giving him a knowledge of good and evil. Speech is the sign of a social instinct implanted in man that permits him to associate with his fellows in the pursuit of the good life. Yet the powers with which man is endowed are capable of being used for ends contrary to virtue; and, since man has greater force than other

beings, when he misdirects his powers he is capable of greater villainy than any others.

It is perhaps at this point that Aristotle's ideas differ most profoundly and obviously from those having a general currency in our modern world. While the precise origins of language are still obscure, those who live in the shadow of the concept of evolution generally maintain that speech has developed from less highly organized sounds, that it was in its beginning essentially an expression of feeling. Granted that it later became a means for identifying objects, they would deny that historically there is a sharp cleavage between mere naming and the capacity for discourse. They would deny equally that speech indicates an ability to reason. Indeed, much current political interpretation makes reasoning itself but a means for attaining irrational desires and for gaining power. To maintain that man has a capacity to discover true and universal values, or that his activities are in any sense directed either towards such a discovery or by any criteria other than those of immediate pleasure and pain, seems to such thinkers unrealistic. Nevertheless, whatever the difficulties of the Aristotelian position, the denial thereof ultimately seems to end in a denial of the possibility of judgment and to conflict with universal experience of the necessities of social existence.

*The Household: Slavery, the Position
of Women and Children*

Having shown that the perfection of individual existence is attainable in the state, and only in the state, Aristotle returns to an examination of the facts of human behavior and of associational existence to see what lessons they may teach in terms of his objective. He starts by considering the nature of households, since they constitute the historical origins of the state. From this examination he reasons by analogy. The science of domestic rule is economics, the laws of the household, and before discussing these laws Aristotle enters a *caveat*. While analogy may be useful, politics and economics in his sense of that term are not one. Not only are the household and the city

very different in scale, but also politics is concerned with a number of rulers, whereas economics deals with a monarchy. The family is always ruled by its head. The city-state is an aggregation of households, together with land and property, and its citizens are the heads of households, equals. It possesses the means to a happy life for which men associate, and failing to achieve which, they disband.

The function of the household is prior in time and subordinate in purpose to that of the city. It is concerned with the basic material elements of well-being. What are the proper relations that constitute a household that it may fulfill its function? They are manifestly three in number: the relation of master and slave, the relation of husband and wife, and the relation of parent and child. Each of these exists for the performance of functions necessary for the realization of the end of the household, the material well-being and existence of its members, and the propagation of the species. Each of the parties involved is an instrument for the attainment of that end, with the superior in each relationship directing their proper use.

The instruments of a family may be animate or inanimate. Just as property is an instrument for living, so is the slave. He is a *living* instrument; and so more valuable than any other his master, to whom he belongs utterly, possesses. How does a man become a slave? Aristotle inquires. Apparently in his time the question as to the justice of slavery had already been raised, and Aristotle remarks that, while some have deemed slavery a legal institution, others have held it unnatural, the result solely of custom, men being in a state of nature equal and free. Hence they have concluded that, as a matter of reason, slavery must be unjust, the product of force. Aristotle argues that slavery is a necessity, since the household requires both lifeless and living instruments for the achievement of its purposes. Since *both* are necessary, and because without the existence of the complete household man's purpose, the good life, could not be attained, slavery manifestly *cannot* be unjust.

Yet this was not entirely satisfactory. While the Greeks might consider themselves naturally superior to barbarians and so justified in enslaving the latter, it also happened that in the

course of war Greeks might be captured and enslaved by barbarians, or even by other Greeks. Aristotle states that those who have not the capacity for leadership or self-rule are naturally slaves, and realize their end, that is, achieve the completest development of which they are capable, only as slaves. The status of freemen would leave them anarchic and purposeless, and it is for their good that they should be ruled by those who can direct them. Aristotle acknowledged that the captive taken in war is a slave only by accident, while he further argues that, though slavery is necessary and not contrary to nature, it is not to be assumed that those whom the law of any country makes slaves are rightly so. The slave, he insists again and again, is the person who, while necessarily sharing in the common human capacity to employ reason, is incapable of developing that capacity to any very high degree. He has enough to be able to understand his duties, but not enough to direct himself without control, to show foresight, or to participate in public activities. Consequently, it is for his good to be a slave, provided he is a slave to a master who has the capacities he lacks.

This reasoning, it should be noted, leads to two necessary inferences. First, the laws governing slavery in an imperfect state do not always automatically bring about a situation in which all slaves are rightly slaves or masters rightly masters. Secondly, while it has frequently been said that Aristotle maintains that no Greek can justly be a slave, but that slavery is natural for barbarians, such an interpretation is erroneous. Aristotle insists that men who have slave natures, whether Greek or barbarian, ought to be slaves, while similarly those who are rightfully masters may be found anywhere, regardless of nationality or race.

He insists, too, that slaves should be treated kindly and that, since they do possess some degree of ability to reason within their limited sphere, the master should not give dictatorial orders but should explain his tasks, just as statutes in Plato's *Laws* are to have preambles in order to gain a rational consent. Yet again, if a person chances to be a slave but is really shown to have a capacity for self-direction, he should be liberated. Aristotle does not argue for manumission as an act of benevolence or as a reward for long and faithful service. If a man is incapable of

self-rule, to free him would be unjust; while, if he is possessed of the qualities necessary for freedom, it is equally unjust to make him serve as a slave at all.

We have analyzed this whole subject at considerable length partly because Aristotle has been greatly misinterpreted by modern humanitarians and partly because of the implications of this theory. Nor has he always been dealt with justly by those who have used his ideas to defend their own institutions. In the South before the Civil War, in particular, the name of Aristotle was used to sanction the South's peculiar institution. It was there argued that the negro was by nature a slave and that it was to his benefit to be enslaved. This theory, however, rested on the assumption that race and color determined capacity for self-rule, a theory with which Aristotle, as we have pointed out, would not have agreed. On the other side, humanitarians and the Protestant interpreters of the gospel have in general condemned Aristotle as prejudiced in this matter by the arrangements of his time, although admitting his greatness as a philosopher. Yet if anything is clear it is that Aristotle was not justifying but criticizing the existing arrangements; and it is perhaps notable that, while he was a Greek with a conviction that his fellow Hellenes were in general superior to barbarians, he did not allow any presumption in favor of the Greek to blind him to the twin possibilities that certain Greeks might be persons of very limited capacity and that some barbarians might possess the necessary endowments for citizenship.

If Aristotle is correct in his statement that some men are incapable of self-direction, his conclusion seems unanswerably to follow, granted also that there are others capable of government. One can, of course, deny the rightness of slavery by refusing to accept one or both of the premises. Thus it can be argued that, granted men are by definition endowed with reason, it is impossible to show that all are not capable of a full development of their potentialities and that all do not have equal inherent abilities in terms of Aristotle's own criteria. Experience does, indeed, seem to show that men differ greatly in ability, but this may be met by insisting that such differences are apparent rather than real, being the products of environment and of lack of op-

portunity. If, however, one accepts the thesis that there are, in terms of Aristotle's criteria, inherent differences between men, such an argument falls to the ground. One may still reject the actual practice of slavery in any one society, while admitting that an all-wise person could determine who should and who should not be slaves and that a society constructed by such a person would be ideally the best.

Nevertheless, one may argue that in the existing world either there are not persons of indubitably superior wisdom or we are unable to judge who they are. It can then be urged that it is desirable to grant freedom and a share in political power to all lest we waste ability or erroneously keep capable persons in a position of subjection. Against this, of course, must be set the danger that, if those without ability are in the majority or are otherwise able to gain power, they may, through ignorance, prevent the emergence of the able and may destroy society, thus thwarting the very purpose for which universal freedom is given. This may appear a lesser danger than to allow a limited class to rule, since, granted that we have no all-wise judge and that it is not clear who are the most competent, we may find that a considerable portion of the ruling group should rightly be slaves rather than rulers. These men, acting in terms of a short-sighted self-interest, may equally well harm the state and destroy the very persons who should rightly be in their places. Certainly historical experience suggests that governors in societies based on slavery, and indeed oligarchies in general, have rarely shown a nice discrimination and have not ruled with a view to the general good.

In short, while we may accept the Aristotelian theory concerning slavery, which is also a wider theory as to who ought to possess citizenship and to share in government, we may in fact find ourselves faced with the difficult choice between government by an oligarchy composed of short-sighted but wealthy individuals and government by ignorant masses. Until recently, at least, the democratic dogma has in our time enjoyed great popularity; but one can scarcely doubt in terms of recent experience that there is a danger that democracy may lead to forms of dictatorship, or what Aristotle would have called tyranny, in

many ways more harmful than even very imperfect aristocracies. One's choice will no doubt have to depend on one's judgment as to whether all human beings are capable of becoming self-determining political animals. If one decides that they are, one may, as a practical matter, further have to decide whether, granted the existing situation, it will be possible by education to make them so within a certain period and whether, granted that the exercise of the functions of citizens is part of that training, they may not do irreparable harm before they are trained. Certainly it is arguable that in modern times extensions of the franchise were made before those enfranchised were themselves capable of using the vote wisely.

We have seen, then, that Aristotle's view of slavery really involves far larger questions, and it is perhaps not an exaggeration to say that the basic conflicts in political philosophy since his day have depended on whether his view as to human capacities or the contrary has been accepted. For slavery, as he seemingly views it, is not solely a matter of economic function. It concerns also the question of political power. The relation of this discussion to Aristotle's analysis of the forms of government will appear later.

From a consideration of the relation of master and slave, Aristotle turns to the relationship of husband and wife. This is, as previously noted, based on natural instinct. It is at the same time a moral one, at least among free persons, where it involves friendship and mutual service. The natures of man and of woman have elements in common. Both are capable of virtue, and therefore both must be free that they may properly complement one another. They are not, however, equal in all respects, their moral capacities differing in degree. The woman's will is weak and her virtue less perfect. She is a less self-sufficient being than man. Her purpose, moreover, is not independent productiveness, but domesticity. As the superior being, therefore, the husband must rule. Nevertheless, the woman must be treated as a free partner in the household, with her own proper sphere in which the man does not interfere, although he has the duty of protecting her from unfair treatment. While both are free, they have unequal rights. The relation is an aristocratic

one. It is at the same time natural, and should be based on confidence. Husband and wife, says Aristotle, ought not to approach each other with affectation. Nor should they embellish artificially either their persons or their manners.

It is perhaps relevant to observe that this, while not in terms of present-day American standards so far advanced as Plato's doctrine, was in terms of existing practice a liberal position. For in Ionian Greece wives were very definitely kept in the home as childbearers and domestic drudges. In their life outside the home, men associated with *Hetairai*, mistresses, who often attained a considerable position, comparable with that of the women of the French court in the eighteenth century rather than with that of the contemporary prostitute.

Whether Aristotle's insistence on the incapacity of women for complete self-direction is justified may well be debated. Those who pride themselves on being modern may perhaps laugh at him. It is, however, desirable to note that, if women today have become largely emancipated and if we should no longer claim that their place is exclusively in the home, it is none the less true that the medical profession has in recent years noted a large number of cases of women suffering from maladjustments owing to lack of a home; while not the least of the problems of the depression of the 1930's was that of the countless women who desired homes but were thwarted and forced to remain in the office. That is, if Aristotle's statement gave women too limited a position, the basic rightness thereof is singularly difficult to disprove, while much evidence exists in its support. Moreover, while Aristotle's attack on embellishment in the sexual relationship was perhaps unduly severe, certainly one might ask whether the excessive exploitation of sex and the vast amount of time and money spent on adornment and beautification really tend to promote human happiness or the most desirable relationships between the sexes.

Finally we come to the relationship of parent and child. This is a kingly rule, resting upon affection and respect. The child has no rights against the father, being still but a part of his parent. Nevertheless, the father has duties to the child, in that he must rule the latter for its own highest interest. For the

child has both will and virtue. These are, however, imperfectly developed, whereas they are both perfect in the father. It is, therefore, the duty of the latter to impart his perfection to the son, who makes it his own by obedience, and so is prepared for the ultimate performance of a citizen's duties.

Here again many moderns will disagree, particularly since the insistence on obedience suggests the rigors of the Roman *patria potestas* or the sternness supposedly characteristic of Victorian fathers. Today the idea that children should follow their instinct and develop 'naturally' with a minimum of direction, or no direction at all, is considered superior. Nevertheless, one should keep in mind that Aristotle does not argue for harsh treatment of children, but simply insists that, whatever the child may ultimately become, while he is a child the parent is more capable of deciding his fate than he is himself. Objection may, of course, be taken on the ground that parents are imperfect and that many of them are completely ignorant. But here we must remind ourselves that Aristotle is talking of the children of citizens and that the ignorant and incapable are excluded from his discussion. While it is perhaps among the supposedly more able parents that the modern ideas have made headway, it is surely clear that a parent possessed of some wisdom and of experience must be more competent to make decisions than a child, even granted the former is imperfect and subject to bias and prejudice.

We have now reached the end of Aristotle's discussion of the household, which has exhibited despotic, aristocratic, and monarchic governments, each of which has its rightful place. The household is an organization that keeps persons of incomplete capacity or development in proper order. Its head directs their activities for the getting and spending of wealth. He is the economist and has to concern himself, not only with production, but with the use of what is produced. He must be able to acquire wealth, to keep it when acquired, to govern his property wisely, and to use his wealth to the best advantage. Property is necessary to existence, but it is not the sole end of existence, nor good in its own right. It is a means to an end, the good life. Hence the family is not of itself complete but is a neces-

sary institution for well-being. It is of families that the state is finally made up, though the heads of the families alone are citizens.

*Economics: the Nature and
Function of Property*

Before turning to a consideration of the state, we must, with Aristotle, investigate the nature of property and the means to its acquisition. Aristotle holds that property, in the sense of basic necessities for survival, was given to all men by nature. Thus at the beginning he implies that neither the household nor the state is concerned simply with bare survival; and that economics (which for him, we must again insist, is fundamentally household management, although it does not exclude political economy, since the statesman is concerned with problems of public finance) is directed towards the acquisition of sufficient property to make the good life possible. On the other hand, he insists no less strongly that unlimited acquisition is not the end of economic activity and that unlimited wealth will thwart rather than facilitate the living of the good life. He argues that the instruments of any art, the means to any end, can never be unlimited, that there is an optimum which is suited to the complete attainment of the end. Too few instruments, in this case too little property, will make it impossible to attain the good life, which is the end here in view. But so will too many.

It is important to stress this point, since Aristotle has at times been interpreted as if he were a believer in the value of great wealth and a friend of the rich. In truth, what he does argue is the evil of a lack of property, which prevents men from attaining sufficient freedom from immediate concern for the morrow and from the burdens of continual labor to be able to develop their personalities and to perform their functions as citizens. He does not deny that many men may have insatiable desires, nor yet that it is impossible that, if men do acquire some property, they will then come to desire yet more. What he does maintain is that such a process is unending and can never bring true happiness. It is necessary to limit the functioning of one's

acquisitive instinct if one is to develop a harmonious personality and to attain genuine happiness. An excessive amount of property or an excessive stress on its acquisition thwarts the whole purpose of property, and it is the function of the household manager and of the statesman to be aware of how much property is desirable.

On the other hand, Aristotle rejects the whole Samuel Smiles philosophy. He sees labor whose end is simply acquisition as a curse rather than a blessing. It may be necessary as a means to the good life, but those who are forced to spend their time as laborers are deprived of the leisure requisite for development and for the carrying out of worthwhile tasks. It is for this reason that he would make work, in the sense of producing the necessary means to the good life, a function of those who are themselves incapable of a sufficient development to become independent and self-directing persons.

Aristotle has also been condemned by humanitarians and sympathizers with labor either on the ground that an inequalitarian society is unjust or because they have felt that under a scarcity economy no one should have luxuries until all have a full complement, not simply of bare necessities, but of the conventional necessities of the particular period. Yet at the same time it is noteworthy that certain socialists¹ have protested vehemently against the doctrine that more and more production is what is desirable and have stressed the importance, not simply of distribution, but of use in terms of non-material ends.

This whole problem is today of peculiar importance. We are slowly becoming aware that it is, or is rapidly becoming, possible in a technological civilization to produce vast quantities of goods with relatively little labor through the use of machinery. The much maligned technocrats, who, however, approached their problem from the viewpoint of efficient use of power, and those whose watchword is production for use, not for profit, argue essentially that today we can readily produce the means

¹ See, for example, R. H. Tawney, *The Acquisitive Society*. This view is found also in William Morris, in the Christian Socialism of Kingsley, in Ruskin's economic teachings, and in the criticism of an emergent industrialism by Emerson, Thoreau, and other Transcendentalists. (See comparison of these last with Aristotle later in this chapter.)

to a good life, even though they may not be so clear as Aristotle as to the content of that good life, and perhaps even accept the view that it is fundamentally a life of material enjoyment. But in common with Aristotle, they protest against a purely competitive economic system, whose product is an envy that makes stable government difficult, and against an undue glorification of work and of "getting ahead."

The situation differs, however, from that which Aristotle discusses, in that machinery is increasingly making the use of animate tools—laborers and wage slaves—less important. The use of labor may, indeed, become in due course unnecessary to produce the means to the good life, and these means may be sufficiently plentiful to allow leisure to all. This, however, would not solve the basic problem with which Aristotle was concerned. He regarded the slave laborer as a person incapable of self-government and as an instrument of production. Those who were so capable were to have the leisure and the necessary supply of goods and services thoroughly to develop and utilize their capacities. Now the mere fact of giving leisure will not in itself produce good men nor give to the incompetent the capacity to develop, at least if we accept the Aristotelian view of human nature. Today there is widespread concern about the possibility of educating the masses to the use of leisure and about the correct methods to employ to that end. Aristotle, of course, argued that these persons should be kept in subordination, not by economic necessity, but by their recognition of superior reason. Yet it is questionable whether without the economic compulsion it would be possible to control actual workers as they are; while, if we do grant either that they are uneducable or that their education must necessarily be a long process, there is presented a real problem as to what is to be their function and as to how they are to be ruled either permanently or in the interim. If at the moment the sufferings of unemployment raise in the main questions of distribution, the long-term problem is of a yet more difficult character.

As implied above, Aristotle would have condemned many or most of the techniques by which we have built up what is known as capitalist civilization. He did not completely condemn min-

ing and manufacture, it is true, although it was agricultural activities alone of which he fully approved. Wealth, he said, might be had in two ways, one natural and the other unnatural. The former was proper to the heads of households, who must have a thorough understanding of all forms of agriculture. He admired greatly the simple life of an agrarian people, but distrusted profoundly the ways of trade. This was perhaps connected with his dislike for contemporary trends and his fear that the city-state would be destroyed. It is noteworthy that, as Athens gained maritime power and gave itself more and more to the commercial life, its safety became endangered. The brilliance of the Periclean age was, indeed, founded on the spoils of the Mediterranean world; but defeat of Athens in the Peloponnesian War was itself largely due to too great expansion. Moreover, the internal politics of Athens were undoubtedly corrupted by vast streams of wealth.

One might, therefore, hold that Aristotle's condemnation of wealth gained by exchange as unnatural and his belief that commerce is not a proper function for citizens were the result of the immediate situation of his time, particularly when it is added that at Athens such functions were largely in the hands of metics, resident aliens. It might further be argued against him that the growth of trade and of the resultant relationships was to produce larger and wealthier units than the city-state, and that Aristotle, by his condemnation thereof, was turning his back on forces which were to be increasingly important in the subsequent world. Certainly, believers in progress, as well as those trained in classical economics, are apt to condemn Aristotle on the ground that he did not understand either the inevitability of new types of economic relationship or the basic principles of economics.

Current economic theory is largely concerned with the relationships arising in a money economy and under a profit system, though it may be so generalized as to develop the basic rules of any society where function is specialized and choices between goods and services have to be made. Its laws are, however, in essence generalized descriptions, and its purpose is simply to foretell what will happen, granted certain conditions. It is not

concerned with what ought to be. Aristotle, on the other hand, while well aware of the division of labor, insisted that any social science must be normative, must concern itself with the good life and must lead to judgments of institutions in terms thereof. He did not deny the value of specialization of function and of exchange based thereon. Indeed his whole description of the lesser units which go to make up states and of their functions arises from his recognition of the value of such division. But this did not lead him to the conclusion that any specialization of function that resulted in greater productivity was therefore to be desired.

Some types of economy, however, were to be condemned not because they resulted in more goods, but because those who took part in them were turned aside thereby from the real purpose of life and came to consider the acquisition of wealth an end rather than a means. Aristotle's attitude is in this respect comparable to that of Ruskin and of the New England transcendentalists such as Emerson and Thoreau, who likewise denounced an industrial civilization because it led men to a worship of the golden calf.

We may deny the validity of Aristotle's actual division of economic activities without thereupon rejecting his criteria of judgment. Aristotle did recognize that in simple and direct exchanges both parties may benefit, but denied that this held for organized, and usually indirect, commercial trade. He therefore condemned the trader's life on the ground that it was devoted to gaining wealth at the expense of others. Nor did he condemn the use of money as a convenient instrument for making exchange. What he did deplore was the using of a convenience as a means of exploitation and the regarding of it as something valuable in itself. He objected, therefore, to interest, which he called usury, because it seemed to him to be essentially a misuse of money. Again we may compare this with modern criticism of Wall Street and of the banking community on the ground that they gain wealth by the manipulation of symbols without profiting the community or performing any useful social function.

That the removal of usury laws was historically connected

with the growth of commercial and industrial civilization may be true, and it might further be claimed that the economic developments of the last centuries would not have been possible had the charging of interest continued to be forbidden; but again it is perhaps desirable to remember that, if development has been more rapid under a capitalist system than it might otherwise have been, this does not lead to the conclusion that no development would have taken place without a money market, while it is at least possible that the class conflicts of our current society might have been avoided. The Soviet Union, it is true, has been able to develop very rapidly in part by borrowing from the technological civilization of capitalist countries. Nevertheless, its economic arrangements, with the stress on money solely as a means of exchange, do suggest that one may attain the material basis of a good life without the sufferings of competitive society. Aristotle objected to usury as unnatural because he held that interest (*tokos*) could not rightly arise from money, which, being inanimate, could not beget (*tokuein*). In a later age interest was justified on the ground that it involved either risk-taking or the going without immediate satisfactions. Hence it was a reward for sacrifice. Today, however, we know that a considerable portion of capital is made available without real sacrifice, while many people have come to doubt the value of private risk-taking.

While Aristotle considered trade and the money market undesirable because they were unnatural methods of enrichment and were not primarily directed to mutual and equal service, his dislike of these occupations, of industry, and of the type of life of mechanics and artisans had a more fundamental basis, since to him man was above all a citizen, a social-political animal. Concentration on growing wealthy and the necessity to serve for hire in an inferior position of subjection analogous to that of the slave alike thwarted man in the carrying out of this noblest task. The person anxious to grow rich had a false view of the meaning of life and so could not be trusted to rule, while those who were forced to work lacked the necessary self-determination that would allow them to express themselves as citizens without fear or favor. They were also deprived of the

requisite leisure for studying political questions and taking part in civic affairs.

It was on these grounds, too, that Aristotle condemned Plato's communism. Though getting and spending were not the sole or supreme end of existence, he realized that property was, to the ordinary individual, an important adjunct and means to the development of personality. Indeed he felt that a considerable degree of inequality in this respect was not to be condemned, since the wealthy got thereby an opportunity for public service through endowments, and the resultant example of munificence was highly desirable. Those who live in the present age may feel that the charities of the millionaire are bought at too high a price. It would, nevertheless, be unfair to forget that, while Aristotle believes in acquisition and inequality, he would limit both to some extent, lest they promote class conflict and make the state unstable.

Aristotle's whole treatment of the household and its functions is directed to the provision of the optimum amount of goods to allow those who are intellectually and morally capable of independent and rational action to enjoy the leisure and the economic safety necessary for citizenship. Today, at least in democratic countries, we feel that there is a certain narrowness in this viewpoint, insisting, as we do, that any economic interest produces bias. Yet even if we argue that all men have potentialities for citizenship, observation of the functioning of men as political animals surely suggests that the problem is then to assure to all sufficient income for independence rather than to condemn property as such. Certainly the recognition that machines like Tammany succeed largely through service to those who live in the short run must lead to the conclusion that citizenship as Aristotle understood it will be possible only when insecurity is abolished. Perhaps one might here note that the agrarianism of Jefferson, which was directed to the securing of this very independence, had much in common with the theories of Aristotle, and that the commitment of this country to the industrial regime, which Jefferson so greatly distrusted, has in fact produced a proletarian mass little capable of genuine citizenship. Similarly, the growth of certain continental dictator-

ships with a high degree of popular support at least raises the question whether the economically insecure are capable of reasoned political activity.

We have examined Aristotle's condemnation of Platonic communism. He condemns Plato's advocacy of the dissolution of family ties for rather similar reasons. Just as private property is valuable for personality, so is the family to be esteemed for its development of that natural affection from which a wider devotion may stem. On the whole, this seems a reasonable position, though in our modern competitive world we frequently observe that devotion to one's own group often involves a lack of consideration for others. Such evils, however, may properly be treated as the corruption of virtues that can be attained only in this way, while the psychological insecurities of the unattached may be as politically dangerous as economic uncertainty.

From household economy Aristotle turns to public finance and analyzes the various forms of taxation suitable to different types of government. Time has rendered his investigations somewhat meaningless, though there are hints that then, too, governments were concerned with currency problems, with the control of exports, and with balancing budgets, while taxation of various kinds was also well established. On one principle, however, Aristotle does insist, namely, that both individuals and government should live within their means and that expenditure should not exceed income. To those who live in an age when everything is acquired on deferred payments and when governmental debts mount by billions, such a conservative attitude would doubtless appear singularly naïve, if not reactionary—evidence of a lack of social-mindedness.

The first book of *The Politics* concludes with the insistence that the state, composed of families, is to be directed towards the good life and that the relationships in the family are established, not simply that it may be a good family, but with regard to the virtue of the total community. The rulers of the state are to be those in whom virtue is of the widest kind, that they may fulfill their duty to the whole. Ideally the ruler should have perfect virtue, since he is the master artificer of society. This highest virtue is reason. Those who have lesser virtue should be sub-

ordinated to his rule, their position being determined by the degree of virtue of which they are capable.

It is only upon the completion of this extended survey of the basic elements in the state that Aristotle turns to an analysis of the latter in and for itself. He begins this by an examination of various theories of the state advanced by Greek thinkers and of certain actual constitutions. In particular, he devotes considerable space to the criticism of the doctrines of his master, Plato. Thereafter the work is taken up with an examination of the causes of the rise and fall of states, with an exposition of Aristotle's conception of the best form of state under actual conditions and a condemnation of the normal forms of states known to the Greeks, and, finally, with a consideration of the appropriate education for citizenship. Much of the detail of this is of relatively minor importance, and the whole is indeed an amplification of the essential thesis already examined. It may, therefore, be treated in outline rather than in detail.

*Aristotle's Views on Citizenship, Constitutions,
and Forms of Government*

The state, Aristotle tells us, is made up of citizens. This, like certain previous statements, appears fairly obvious; though in our own day there seems to be a tendency to turn the citizen once more into a pure subject and to identify the state with an individual ruler or with the philosophy of a particular group. The citizens, according to Aristotle, are those who have a right to take part in the government of the state and in the administration of justice which is its highest function. A citizen is the adult male who by reason of his birth has a right to perform public functions. Citizens, then, are heads of households; and women, slaves, children, and aliens are all excluded, while, as we have before noted, Aristotle does not think that those whose time is devoted to commercial pursuits can rightly perform the functions for which they possess citizenship. But if the citizen is one sharing in government, he is not a good citizen unless he has the capacity both to rule and to obey. That is, the citizen is not a person who, laying down laws for inferiors, puts himself above

the law. He is, rather, one who takes part in making laws to which he himself will be subject. Aristotle feels that one who does not know what it means to obey cannot rightfully give orders to others.

Nevertheless, through a certain confusion of the ideal and the actual, Aristotle sets forward views that are not entirely easy to reconcile. The state is that association necessary to the achievement of the end of man, the good life. Not all persons, however, are capable of achieving this end: slaves, women, and children possess but a limited and imperfect reason. Indeed, the first of these is by definition one in whom the power of reason is almost entirely lacking. These classes are therefore incapable of citizenship. Whether the state is necessary for their good, as well as for that of heads of households, who are by definition those possessed of a capacity to reason, is not clear. At most it can be so only indirectly: those who are to control persons unfit for citizenship cannot perfect their own reason, and so cannot prove fully competent directors, unless they themselves possess citizenship in a state.

Such a basis for citizenship implicitly denies that birth alone is a qualification therefor, unless one can assume or prove that the sons of persons with reasonable natures are themselves capable of reason. In his treatment of slavery Aristotle has in fact rejected such a thesis, insisting that a man must be judged on his merits. He has also argued that a man may have the capacity for reason, and therefore presumably ought to be granted citizenship, since that is necessary to his good life, even though he is not born of citizen parents. When, therefore, he here insists also on citizen birth, he is really dividing men into three groups: slaves by nature; free men capable of development, but denied the opportunity thereto; and citizens proper. Whether those of citizen birth are to be granted citizenship even though they have slavish natures is not clear. Here, however, Aristotle seemingly passes from a discussion of the meaning and purpose of the state to a formal and narrow legalism. He accepts the qualifications for citizenship actually prevailing in Athenian law.

Yet he does not do so entirely. For he insists that another

qualification is requisite—the possession of property. This is necessary, not because property is valuable for itself, but because of the leisure it allows for the performance of necessary civic duties. To this extent he was attacking, rather than supporting, the law and practice of contemporary Athens. There the payment of citizens for the performance of their regular duties had been carried to such lengths that a considerable number of persons earned a livelihood by merely being citizens.

Whether such a property requirement is compatible with Aristotle's view of citizenship implied in his analysis of the *rationale* of political society is once more not clear. That the man mentally capable of full development would necessarily possess property seems unlikely, though Aristotle clearly holds that he *ought* to have it as a necessary instrument. Presumably his analysis of the function and structure of households is intended to ensure that he will in fact have it.

However this may be, there still remains some conflict between Aristotle's view of the man capable of full political life and his statement of the qualifications for exercising citizenship in a city-state. The latter would seem to be a compromise between the ideal and the actual institutions of the Greek city-state.

Aristotle, however, goes on to admit that in very truth the citizens of any state are those having political power, regardless of the ends for which it is used. He further admits that, in certain forms of state, the good citizen, that is, the person able to work within its framework and for its best in terms of its own principle, may be a bad man, while conversely the good man may prove a poor citizen in such a state. Yet he defines citizenship in the proper state as a moral training. The question might then arise whether actually existing states are states at all, since most of them fail to make possible the good life as he defines it or to identify the good man and the good citizen.

Yet while Aristotle is an idealist searching for social harmony, he is also a realist interested in practical politics. Consequently he feels it necessary to examine states as they are and to give a definition that will be applicable to them. Virtually he identifies the state with its constitution. For a state remains the same

so long as its constitution is unaltered, though the individuals who are its citizens may change. On the other hand, while the citizens may remain the same, the state is changed if its constitution is altered. He then points out that, despite the ideal arrangement, it is necessary that the constitution should adapt itself to the character and condition of the men for whom it is designed. In this he was followed by Aquinas, while the similarity between his views and Montesquieu's needs no emphasis.¹

What, then, is the constitution of a state? It is the law concerned with the distribution of political rights and benefits. Ideally these should be distributed in such a way that persons of equal virtue have equal rights, and those who are unequal, unequal rights. Thus is justice secured. Here once more he is clearly following Plato, though he adds that the members of a state are normally not equal to one another in all respects, but are also not completely unequal; and it was on this basis that he erected his scheme for a balanced government. However, if the constitution is concerned with the proper distribution of political rights, the state has a more important objective, the positive attainment of the good life, to which the distribution of political power is but a means. The state, therefore, must aim at perfect virtue, which requires the rule of law or of principle, which is reason.

No actual state entirely conforms to this principle. Governments as they exist are imperfect. They are not, however, all equally good or bad. Some approach nearer to the rule of reason than others. They must therefore be classified, and he subdivides them into two groups. Those which aim at the good of the community as a whole are relatively normal, whereas those which aim at the good of the rulers alone are perversions. The former rest on some principle, the latter are essentially arbitrary. There are altogether three forms of good government, and each one has its corresponding perversions.

Monarchy is a good form of government and is properly suited to a people which possesses one family of preëminent merit, capable above all others of exercising the function of ruling. In it the king rules in the interest of his subjects. The king is one

¹ See Chs. VII and XXI, respectively.

who is superior to his subjects in the possession of virtue, and the government of such a man is the highest form of government. Perverted, it becomes tyranny, under which a powerful individual without virtue rules purely in his own interest; and on Aristotle's general principle that the highest faculties produce the worst evil when misused, tyranny is the very lowest form of government.

The second form of good government is aristocracy, where free citizens willingly submit to the government of the fittest, the best, who look after the interest of the whole state and all its members. But an aristocracy readily becomes an oligarchy or plutocracy when the ruling class, for the sake of acquiring wealth, keep all power in their own hands and rule without concern for the well-being of the rest of the citizen body. For in such a state it is not the best, the most virtuous, who rule, but simply those who have the most wealth.

Finally, among the good forms may be numbered timocracy, in which those who have adequate property qualification equally share in power. This is based upon equality and does not follow the proper law of proportion by which the best have rights superior to those of the worst. Yet timocracy implies equality still within a limited class, its basis being military service and the property necessary to equip oneself therefor. However, it readily passes into the corrupt form, democracy or demagoguery, where all take part in government regardless of any qualifications whatsoever. Then one gets the rule of the mob and a lack of distinction based on differences in ability. Timocracy is the poorest of the good forms of government: since it rests less on rational principle than the others, its capacity for good is slight. Yet its perversion, democracy, is by the same token the least corrupt of the bad. Nevertheless, Aristotle has a peculiar abhorrence for democracy just because it fails to recognize the importance of human differences; and he was, of course, especially bitter about the matter because that was the very form of government prevailing in Athens in his time, a form of government that had deprived that city of its earlier greatness. He realized that a mob followed demagogues in terms of passion and lacked statesmanship. He did not believe it possible that a society

might exist in which all possessed equal qualifications to rule. Whatever we may think of this conviction, we are aware today, when prolonged suffering has nurtured dictators and begotten peddlers of panaceas, that massed followings are readily gained by emotional appeal directed to discontent and frustration.

Having made this general classification, fundamentally similar to that of Plato, Aristotle seemingly modifies it and even departs from it. He condemns all forms of government alike on the ground that they lack stability and fail to satisfy certain elements of the population that must be satisfied. All ignore the fact that justice is the distribution of the right things to the right persons. Thus democrats believe that an equal right to freedom involves complete equality in all respects, while oligarchs behave as if inequality in wealth necessitated inequality in all else. The one desires complete freedom, the other great possessions. Neither keeps in mind that both these things are but parts of a good life based on the virtue of a proper balance of qualities. Those who contribute most to the creation of such virtue in the state should, Aristotle argues, have greater power in it than either the rich, the noble, or the multitude. The masses, the wealthy, and the tyrant all tend to the destruction rather than the preservation of the state. Each group when it prevails uses its force against the others rather than for the general good. Thus each divides the state instead of harmonizing the elements composing it. Each constitutes a class system of government, and the result is class struggle. In this respect, indeed, democracies are peculiarly bad, since they recognize no authority and use the idea of liberty as a cloak for anarchy. Moreover, democracies have no respect for law, for the embodied experience of the past, but are arrogant with the conviction of their own sufficiency. Hence they lack any element of stability.

Aristotle, preferring the more conservative attitudes of an earlier day to the uncertainties of his own, has a great veneration for law and would give it ultimate power in the state. Indeed, he defines the perversions of constitutions as the result of a lack of stable legal foundation and of a reliance solely on the caprice of men. Law is the embodiment of right. These perversions cause might to prevail over right. Aristotle thoroughly under-

stands, brilliantly analyzes, and ruthlessly condemns *Realpolitik*.

Nevertheless, if an unorganized mass, a democracy, scarcely deserves the name of state, it is still true that the people taken collectively normally possess more wisdom than any single man among them, even if each individual is but a very ordinary person. Union gives them wisdom, however lacking they may be as individual persons. They should, therefore, have the right to elect and control the magistrates, and thus ultimately to govern. Yet they must govern always according to law, and the magistrates should have power to innovate only where the laws are silent.

Stability and Balance: the Polity

Aristotle is not impressed by any of the actual forms of government he has examined. Consequently he tries to suggest a better one, one which will preserve the form of the city-state while eliminating the defects he had observed in the workings of actual city-states. This new form, his brain child, he names the *polity*. It embodies the best elements of each of the other pure forms he had described and creates from them a balance which will result in harmony and stability. Only with harmony and stability is the good life possible. Seemingly his government would give a balance of power to the middle group possessed of some property but not of too much, imbued with more wisdom than the mob, but not in danger of being turned from its concern for the general welfare through the prejudice of vested interest. Whether such a government is practically possible one may well doubt, since modern experience at least suggests that the middle class is finally dependent for its continued existence on those above, while its members are driven by the fear of falling into the multitude and by the desire to rise into a higher group. Such an interpretation of his polity may, however, be inadequate, since apparently he desires something not unlike the Platonic arrangement, yet with all classes possessing some degree of power and with each performing the functions for which it is most suited.

Like Plato, he believes that rights and duties should be pro-

portionate to qualification; but, unlike Plato, he believes that all classes have *some* qualifications for *some* participation in government. He realizes that Plato's guardians could too easily become an exclusive class ruling in their own interest, but he accepts the latter's idea that the masses alone are dangerous. He prefers a practical balance, by which both extremes will be held in check, to the attempt to discover the ideally best rulers and give them unlimited power.

His observation had convinced him that all of the simple, good forms of government which he had described sooner or later changed into their corresponding corruption, and that out of this there arose an endless series of revolutions, so that balance was never attained. For it is clear to him that the germs of revolution are in the very principle of the various forms, and from his knowledge of Greek history he outlined a theory of regular change. This is the celebrated cyclical theory of history, and for Aristotle it goes on with an unchanging radius and endless succession. Each form of city-state brings the new form that necessarily springs from it in terms of human motivation. The circle never expands and is never broken. Thus it lacks any real development, is a closed system. This suggests a certain limitation in Aristotle's vision. Even granted that it had been true in the past that city-states had gone through a series of cyclical movements, Athens itself had already shown an expansion that embraced somewhat more than the city-state; while the coming of Philip, as well as the Leagues that preceded and followed him, was clear evidence of the expansion of the ancient world and foreshadowed the final doom of the city-state. History may or may not be cyclical, but the cycles show the emergence of novelty and a change of scale. The radius grows, and the circle is not perfect and unbroken. For Aristotle the polity was a means to escape from the endless perfect circle, to gain stability while preserving the city-state.

Though Aristotle's description of the revolutionary cycle was thus marred by the failure to observe expansion, he nevertheless analyzed, with an acuteness not surpassed by any subsequent thinker, the various causes of revolutions. For this reason he may be considered a founder of the realistic school of politics

and a precursor of Machiavelli and Montesquieu.¹ It might even be argued that, if he was too little concerned with the problems created by growth of scale, his analysis of political behavior and of forms of government was essentially sound, and can be applied equally well in our own world.

He was fully aware of the importance of the economic element in producing conflict. Nevertheless, he saw that the general causes of revolution lay, not in the outward facts, but in states of mind. The general causes of revolution might be found in the perverted ideas concerning justice held by men. He repeats the statement that democrats falsely think that because men are equally free they should be absolutely equal, while oligarchies believe that because men are unequal in wealth they should be absolutely unequal in all respects. Such beliefs, Aristotle holds, are essentially revolutionary. For the aim of the revolutionist is gain and honor, or the avoidance of their opposites. He is motivated by envy, insolence, fear, and contempt, and so fails to see properly the merits or demerits either of himself or of others. Thus Aristotle realizes that inequality does cause revolution. Yet he entirely refuses to accept the viewpoint of the modern radical that the attainment of the good life would be possible for all if wealth were equally distributed and that any man who has more than his fellows thereby acquires an inevitable prejudice which leads to their exploitation and oppression. If he has little confidence in the mass of mankind, he still maintains a belief that men are, or may become, capable of recognizing their proper merits and admitting the superiority of others.

Nevertheless, he emphasizes the importance of the outward and institutional set-up in conditioning revolution. Concentration of power in one group soon leads to arrogance on its part and resentment on the part of others. Election intrigues pervert the purity of government and bring about change in its form. The admission to office of disloyal persons through carelessness likewise destroys the purity of a system and produces its perversion. The failure to attach due importance to small changes is also a danger, since, if these are individually unimportant, many of them collectively can undermine an otherwise

¹ See Chs. X and XXI respectively.

good constitution. Finally, the attempt to combine dissimilar elements in a state is bound to produce instability and perpetual dissension.

How precisely, are the different forms of government overthrown? In the case of democracies, either demagogues set up a tyranny or, by their excessive attacks upon their betters, they lead the rich to combine against them and destroy them. In the case of oligarchies, either they become oppressive and are overthrown by revolt, or rivalry between the oligarchs themselves leads to a demagogic appeal to the people, to the destruction of the oligarchs. In aristocracies, the envious masses may revolt because honors and power are too narrowly restricted, though in general both aristocracies and timocracies are weakened by an incorrect blending of democratic and oligarchic elements.

In addition to giving this keen analysis of the reasons for revolution, Aristotle also suggests methods for its prevention. He believes that a spirit of reverence for law, both on the part of the rulers and of the ruled, is of fundamental importance. It is, after all, the lack of government according to law and the growth of arbitrariness that change the good into the bad forms; and it is such change that generally presages their overthrow. It may here be remarked that, while economic conflicts have doubtless been at the roots of those revolutions with which we are familiar, it is also true that arbitrariness in the governing power has usually been a potent source of grievance. Men are normally prepared to accept even a relatively harsh government, provided it rules in terms of principle allowing of some prediction of the subject's future. It is as much uncertainty as to what the morrow may hold as purely economic reasons that leads to the revolutionary temper. Aristotle insists that the spirit of obedience to law must be watched even in the most trivial matters, since a slight change in this respect rapidly extends, until even the most important laws are disregarded.

Aristotle further maintains that it is unwise for the ruler to rely on his capacity to deceive the people, since techniques developed for this purpose have proved historically useless. In this respect he differs greatly from Machiavelli¹ later, taking a much

¹ Machiavelli's views on this matter are discussed on pp. 289-293.

more farsighted view. For his object is, not simply to overcome an immediate anarchy, but to create a lasting government. Aristocracies and oligarchies, he points out, may continue in power despite very imperfect constitutions simply through the wisdom of the rulers, who keep on good terms with their subjects, not depriving the ambitious of just honors nor robbing the people, but rather granting some degree of democracy and coöpting into their own class leading persons among them. Sound defense against foreign aggression will also make a ruler popular, while he can gain a certain support from his subjects by the mere invention of dangers from abroad which will overcome internal dissension. Further, a ruling group must always remember its common interest and must not give way to faction. Above all, it is necessary to keep a close eye on changes in the distribution of wealth, since these have important political effects.

Yet the only certain means to obviate revolution is the polity, which prevents any individual or class from becoming too strong, either by setting the rich and the poor as checks on one another or by giving power to those between. Always one must seek for the mean between democracy and oligarchy. But in the state there will be certain high offices, and to ensure that the holders of these do not abuse their powers, it is necessary to see that they are loyal to the constitution and recognize themselves as servants, not masters, thereof. They must, in addition, have administrative capacity, since success in government largely depends on day-to-day efficiency. Above all, they must possess personal integrity and not be subject to bribery by interested parties.

However, Aristotle knows full well that the best of laws are themselves futile, that a foolish people will not be a good judge of the characters of those who are to hold office. If his *Politics* is less obviously concerned with education than is Plato's *Republic*, he nevertheless insists that the ultimate and highest preservative of stability is the education of the citizens in the spirit of the government to which they are to be subject. Today we are, of course, sadly aware of the difficulties of making men wise through any formal education. We can, perhaps, impart information, but we are as aware as was Aristotle that this is not

synonymous with a training in wisdom. Unlike him, however, we have grave doubts whether true knowledge, in the sense of understanding, is teachable. Moral virtues can indeed be inculcated in youth; but these do not always ensure a capacity for sound judgment in the practical affairs of a complex society. This may perhaps lead us to some sympathy with Aristotle's idea that small size is necessary for worthwhile participation in government by the individual. Yet it is impossible to turn the clock back, and we have necessarily to go beyond Aristotle and discover methods of government for megalopolitan civilization.

*Arrangements for the Ideal City-State: Provision
for Material Needs, and Education*

Nevertheless, it may be desirable to examine the arrangements that Aristotle suggests for his ideal and stable state. He begins by reverting once more to an examination of purposes. He points out that the end of all studies and of all actions is some good, and he classifies goods into external goods, goods of the soul, and goods of the body. Only goods of the soul are, in the last analysis, true goods, the others being subservient thereto. Men unfortunately do not always realize this and subordinate virtue to the pursuit of other goods. Yet all other goods, unless they are pursued as aids to the goods of the soul, are either useless or harmful. Only the goods of the soul can never be in excess, while goods of the soul differ from all others in that they are never the products of chance. Happiness for the individual is proportionate to his virtue and wisdom, not to his possession of external goods. The same is true of the state. For that state is happiest which is morally best and has the greatest wisdom, and the qualities that make the good state are the same as those that make the good man.

Granted that the best state is the most virtuous, what are the conditions necessary for its existence? Aristotle tells us that he intends to construct an ideal state, but one that, unlike Plato's, shall not rest on assumptions that are utopian, beyond the possibility of realization. The discussion opens with a consideration of population, size and location. He denies that the

happiness of a state can be measured by the size of its population. For it is quality, and not quantity, that counts; and the best state is that which is best able to perform its function. Certainly slaves and resident aliens add nothing to the greatness of a state, though the number of its warriors and councilors is important. Yet a vast population is not to be desired: Aristotle insists that the ideal citizen body is one that can participate in politics, something that is possible only when one man can address them all at one and the same time. In the modern world this would, of course, place no bars on population growth, owing to the existence of the radio. In Aristotle's time it meant that the population could not be greater than that which could be reached by the natural and unamplified voice of a skilled orator.

Aristotle, indeed, insists that population growth must be checked, and, if his scheme of eugenics is less severe than that of Plato, he is none the less concerned with preserving the quality and limiting the quantity of population. First of all, no imperfect or maimed children should be brought up. Aristotle accepts the idea of exposure, which was a normal practice of Greek life. The number of children in each family should be fixed, and, when that number had been reached, necessary abortion should take place. The Greeks naturally were not possessed of modern techniques of birth control, and it is interesting to note that Aristotle justifies abortion on the ground that life in the embryo has not yet begun: consequently the act cannot be held criminal. Further, procreation should cease when fathers reach the age of fifty or fifty-five. Aristotle manifestly feels that the offspring of older men will be weak. Incidentally we may note that he deeply disapproves of adultery and holds that it should be punished severely. He believes that a very populous state cannot normally be well governed, and this is an additional reason for limiting population. Moreover, if a state is over-populated, foreigners acquire citizenship rights, since no one can find them out. Aristotle holds, that is, an optimum theory of population in which the citizen body is large enough to ensure its independence, economic or military, but not so large that it cannot be seen at one view.

The territory of the state, also, should be limited, and here

Aristotle suggests aesthetic reasons therefor. If it is too much spread out, it loses its natural beauty. This may seem curious, but one should keep in mind that the Greeks were concerned more with the beauty of a planned city than with the beauty of nature in our sense; and few will deny that most large modern cities with their suburbs are not the most beautiful sight. Moreover, if the state is too large, while it may be economically self-sufficient, it is no longer a state, but a nation, and hence incapable of constitutional government. Here Aristotle was showing the Greek dislike for the barbarian empires and the love of the small-scale and integrated life of the city. This is further revealed by a statement that too large a territory means that the citizens are so separated that they cannot really know one another, and hence cannot elect men to offices on any sound basis nor decide law suits justly. The Greeks had a highly developed jury system; and in modern times we have noted that juries on the whole work less effectively where there are vast aggregations of population and men do not know their neighbors, while we are also painfully aware how far elections are decided through propaganda and irrelevant catchwords.

Yet there are dangers also in too small a city, since it will not be self-sufficient; and for this reason the city should control sufficient territory to supply the citizens with enough material goods for a temperate life, without so much work that they will lack the leisure necessary for performing their civic functions conscientiously. Here again Aristotle seemingly desires the abundant life of the successful farmer and fears the corruption of excessive wealth, a corruption that proved Athen's undoing. To be self-sufficient, the state must have food and agricultural workers, arts and artisans, arms and soldiers, wealth and economists, religion and priests, law and parliament, judges and politicians. Thus the city will be fed, beautified, and protected, its economy will be planned and sensibly directed, the spiritual life and the service of the gods will be cared for, while disputes will be decided, the constitution protected, and necessary changes in laws brought about.

Yet only the warriors and the councilors are to have citizenship: mechanics, traders, and husbandmen are necessary to the

state, but, since they are made by nature to be ruled and not to rule, they must have no political power, while the priesthood is to be constituted of those who are too old for the service of the state. But warriors and councilors are one and the same; or at least the same people are to perform these functions at different periods of their lives. When young and strong they are to fight, when old and wise they are to rule. Thus it is clear that, if Aristotle desires a balanced polity, it is nevertheless still an aristocratic government, limited to that small class of persons who are sufficiently wealthy not to have to work and who gain their income from the ownership of land and not from the vulgar trade he so despised.

Aristotle greatly admired Sparta; and he suggested that in a well-ordered city the common meal table, which was a feature of Spartan life, should be open to rich and poor alike and that all should have the duty to attend. Eating together, the citizens of the state would get to know one another and become friendly, so that there would be a greater unity and a greater stability.

Aristotle also devoted a good deal of attention to the location of the city, its buildings, and its communications. His first consideration here was public health. The city must be so situated that it faced towards the east and was blown on by east winds, since the east wind brought health. It must further be well located in relation to both sea and land and must be in the center of its territories, so that any point could be readily protected if attacked. It must be conveniently placed for the transport of agricultural and other commodities, and it must be well laid out. Straight and irregular lines were both necessary, combining beauty with security, and for this purpose, too, it must be fortified by walls at once strong and ornamental. The water supply must be taken care of: if there was not an adequacy of springs and fountains in the town, then vast reservoirs must be built to catch the rain, so that, should the inhabitants be cut off from the surrounding country by war, they would not go thirsty. Aristotle believed that the health of the citizens depended upon pure water and fresh air, a strikingly modern viewpoint. It should be kept in mind that the Greeks lived much of their life out of doors in the market place and the forum, and that the

house was simply a sleeping place, where one also kept one's wife and children.

Public and religious buildings should be built on the highest spots in the city, and they should be ample enough to house the magistrates and priests. Private houses should form a special residential district in the section where the streets were laid out straight; and mechanics, husbandmen, and slaves should be confined to a separate neighborhood. This last policy has at least been followed fairly generally in the modern world. There should be two market places, which were also in Greek life places of assembly, one for free citizens, one for traders. The former should be near the public buildings, the latter, well situated for the needs of land and sea commerce. Aristotle was suspicious of sea power, yet saw the convenience of good harbors. Where there were ports strangers came in and increased the population and decreased good order, while the development of intercourse by sea led to a general weakening of government. Yet at the same time it was convenient to be able to fight enemies at once by sea and by land, as well as to export and import goods. His solution was to have a harbor connected with the city, but some distance from it. We may perhaps note that this was the situation at Athens itself, where Piraeus, the harbor, was several miles away and was connected with the main city by a fortified wall.

Having thus provided for the material needs of his citizens, Aristotle turns to the problem of the education to be given them. First of all, in youth the body is to be trained, for a healthy body is a prerequisite to a sound mind. From birth to the end of the seventh year, children are to be given plenty of milk, and the less wine the better. Any kind of movement is good for them, developing muscles, while their cries should never be restrained since they have an excellent physical effect. They must be taught to bear heat and cold. Up to the age of five they should learn nothing, but only play, though their games should be miniature representations of later life. They must not be allowed to hear improper stories; and, indeed, all indecency should be banished from the city, save that statues and pictures should be allowed in certain temples to which children must not

go until they reach maturity. Growing children should see and hear only what is good, since early impressions color the whole of life.

In the next period of their lives, citizens should be taught to do things, for it is desirable to learn to do before learning to reason or discovering the principles covering what is done. After earliest childhood stress should be placed on gymnastics in which the body is systematically drilled. Aristotle greatly admires the Lacedæmonian methods in this respect, though he realizes that they go too far and brutalize their children. Beauty is the aim of gymnastics, since it is the good man, and not the brute, who is most efficient in times of danger. The Greeks, we may here observe, believed that beauty of body and of mind accompanied one another. Then music should be taught, since it is not mere amusement but a moral discipline and a rational form of enjoyment. Aristotle here enters into a discussion of the different modes of Greek music and the qualities they produce in their hearers. Children, he believes, should hear those that promote ethical behavior.

In the period of early manhood the citizens should be educated with a view to the service of the state, being taught to obey when young and to rule when old. When they first become citizens, they must be assigned to active duties, thus studying philosophy in a practical way. As they grow older they must be promoted to posts demanding less activity and more thought, till finally they devote themselves exclusively to speculative philosophy, which is the highest of human developments. The very old, who approach nearest to the gods, become priests and live in communion with them.

Aristotle's political theory ends with the attempt to save and make permanent the city-state he knew and loved. He sees despotism as the only alternative. He is unaware that this, too, might unfold in a series of successive forms. Ignorant of the possibilities of national representation, he appears more clearly as a liberal in his desire to conserve. If he hates democracy as the rule of the least virtuous, he fears it, also, because it may lead to tyranny and to the destruction of the city-state. His uncompleted work shows both his capacity for realistic analysis and

his insistence that politics is the culmination and earthly exemplification of ethics. He lived in a time of decay and vainly desired a return to a more sober age. Yet ultimately it is his insistence on the importance of virtue, and on outward harmony as its result, that is significant. If he shows an understanding of *Realpolitik*, he defends the proposition that practical politics does not involve a different morality from that of private life, and that the good state and the good individual are ultimately parts of a single whole. Thus it is in living as a social being that man achieves his highest self, even though he finally becomes a speculative philosopher. For speculation is the contemplation of the harmony of the universe and can really thrive only when society is itself harmonious.

On the influence of Aristotle it is scarcely necessary to comment: few are the political philosophers who have not felt it, directly or indirectly. To the Middle Ages he was, quite simply, The Philosopher. In particular, we shall encounter once more his essential viewpoint, modified by Christian teaching, in the doctrines of St. Thomas Aquinas.¹ With the Renaissance came, indeed, the enthusiastic rediscovery of Plato, though until Rousseau and the Idealists, his influence was mainly on the Utopians. In the Renaissance and post-Renaissance world Aristotle was, therefore, not forgotten. Yet, where in medieval times it was his theory of the nature and purpose of political life that was emphasized, stress was now put upon his realistic analyses of political practice and his discussion of political motives, as is evidenced by the teachings of such different persons as Bodin and Harrington.² Montesquieu, indeed, endeavors to integrate once more the two approaches, and in this respect is peculiarly Aristotle's disciple. Subsequently his influence is less clear and direct, save perhaps as a continuing element in the Catholic tradition, largely via Aquinas. In the South, as previously noted, his doctrines of inequality were falsely used to defend Negro slavery. More generally, he has been of service to conservative and aristocratic critics of egalitarian democracy, to the historical, and later to the sociological, schools of political

¹ See Ch. VII, pp. 218-224.

² For Bodin, see Ch. XIV; for Harrington, Ch. XVII, pp. 460-466.

thought, and, in a less obvious way, to defenders of the descriptive science of politics. On the other hand, he provides valuable ammunition to those who insist on the vital importance of ethical criteria, on the necessary measurement of political activity in terms of morality; and in this connection has been used equally by non-legalistic monists and by pluralists, by defenders of the idea of the state as the supreme association for promoting human welfare and by critics defending group rights against Leviathan.

Bibliographical Note

Any student of political philosophy should read Aristotle's *Politics* itself. In particular, a careful consideration of the contents of Book I thereof will pay high dividends. B. Jowett's translation is readily available. A learned discussion of the arrangement of the work is contained in Volume I of Newman's *The Politics of Aristotle*, together with much valuable material on the relation of that work to Aristotle's philosophy in general. Welldon's translation is to be recommended, in that it contains a careful phrase outline of the contents of the *Politics*, very useful as a guide to the beginner, though emphatically not a substitute for the reading of the book itself. E. Barker's *Plato and Aristotle* is the most useful secondary work for the person concerned mainly with political theory. It is thorough and systematic, and includes an epilogue that traces the subsequent influence of the *Politics*. Dunning's chapter on Aristotle is full, clear, and simple. The student desirous of gaining a general understanding of Aristotle's philosophy—something to be highly recommended—will probably find A. E. Taylor's *Aristotle* a good work with which to start.

CHAPTER V

Roman Political Thought and Christianity: Greek Tradition, Stoicism, the Philosophy of Law, and Gospel Ethics

IT IS a commonplace that the genius of Rome was administrative rather than speculative, and we shall find among the Romans no great political philosopher comparable to Plato or Aristotle. Nevertheless, despite the seeming paradox, Rome is vitally important in the history of political ideas. For Rome conquered Greece and received Greek philosophy as a reward. It kept alive certain Greek ideas and transferred them to the western world in general. Moreover it embodied those ideas in institutions, which served the needs of a vast empire, and particularly in law. That law was to have a history and influence lasting down to our own times.

The ideas received were, it should be noted, not primarily nor exclusively those of Plato or Aristotle. The latter's philosophy, it is true, with certain important modifications, seems to have constituted the general tradition and heritage. Yet it was not a direct and specific influence. It is, rather, the thought of the Cynics and Cyrenaics that was above all important. The former had a considerable influence in the development of Stoicism, while the latter was a precursor of Epicureanism. Stoicism in particular came to form part of the cultural heritage, the unconscious outlook, of the educated man, making its influence felt particularly in the lawyers, responsible for the Roman codes. As a doctrine of cosmopolitanism, however, it was scarcely less important in providing a defense of empire. Indeed, in the second century A. D., Marcus Aurelius found that

his practical duties as ruler of a vast empire were not incompatible with adherence to Stoic philosophy, of which he was a leading exponent.

Rome itself started its career, we must never forget, not as a great imperial city, but as a city-state essentially similar to the Greek city-state. Rome's early history is largely legendary. Perhaps the chief legends grew up about the expulsion of kings, probably an actual happening, and the setting up of a government in some sort republican. This suggests that Rome, like the Greek cities, felt that tyranny was an evil, though the expulsion of the Tarquins may also have been the result of resentment against the rule of Etruscan foreigners. From its beginnings, traditionally in 753 B. C., however, the Roman state seems to have been essentially a legal state, though the early laws were regarded as handed down by law-givers, king-priests, probably traditional figures as in Greece. With this early period we are not greatly concerned. Indeed, we find in Rome no written system of political philosophy until late in Republican times, though we do get a codified law quite early. The celebrated Twelve Tables, dating from about 450 B.C., were intended to make known and to systematize the undefined body of customary law.

*The Basis of Political Authority
in Rome: the Imperium*

Of even greater importance is the early development of a concept that runs right through Roman history. This is the concept of the *imperium*, which may almost be said to consist of recognition that there is a state that is something other than either the rulers at the time being or the subjects in any one generation. The *imperium* is the power and sovereignty of the state, different in kind from any other sort of authority. The state is sovereign over the individual, but it is no less binding upon the ruler himself.

In the beginning Rome is ruled by kings, and the kings, while they hold the office, exercise absolute power because of their *imperium*. It is their duty to work for the state's well-being,

but they are the sole judges thereof, and are, in fact, sacrosanct. They are considered both as political-military heads and, not less importantly, as religious officers. At first, then, institutions of consent do not exist. The ruler is beyond check since he is the repository of the state's power. Yet at the same time he possesses a sense of obligation in terms thereof. On his death the imperium descends on his successor. But, whoever has the imperium, he is in the position of a guardian with the duty of cherishing the public well-being and extending the Roman territory.

With the republic the imperium continued, and all through republican history there is always the hovering image of a king in the background. The exercise of the imperium may be divided among a variety of different officers and these may be called to account after they have given up their offices. They are, thus, ultimately responsible, but while they hold the office they are protected by the imperium and are beyond accountability. Each sharer in the imperium may have different functions, but the imperium itself is still conceived of as an individual unit. It is, indeed, the very embodiment of the Roman state and is co-extensive with its area, covering with its mantle not only officers at Rome, but also proconsuls in the provinces. Perhaps by this time it is considered to reside ultimately in the people, organized in their assemblies, in the sense that they decide to whom it shall be delegated and in what way it shall be divided. But they cannot themselves exercise it, and once they have delegated it they have to respect those who possess it as if they were kings, even though later those same persons, their term of office having come to an end, may be punished for abuse of power. In times of danger the imperium may be handed over to one officer, the dictator, who is entrusted with absolute power in order that he may act as a defender of the state. While he is given that power for a purpose, his exercise of it is perfectly arbitrary and he has a complete right of life and death. He is, in fact, king for his day.

Under the empire the ancient power, becomes lodged once more in the hands of one man and the imperium is unified actually as well as conceptually. Again the emperor is con-

ceived to be the heir of the power of the state and, while holding his office, is absolute, even though at the same time the theory is that the people themselves have entrusted to him this power to exercise on their behalf. At a later date, when the empire splits into two parts with two rival rulers, the imperium is still thought of as a single unit with the two executives exercising it within their particular territory.

Finally, it was through the imperium that commanders of Rome's armies held their powers. They took the auspices, thus showing the religious element in the imperium, and they received triumphs, when Rome's armies won, even though the actual battles had been fought by legates, who were simply their personal delegates. Under the empire the rulers came to rely increasingly on the control of the army. Personal armies, which preceded and produced the empire, were indeed, as will be explained later, the result of a kind of departure from the idea of imperium, but under the empire itself the concept of imperium revived. The *princeps* is also *imperator*, and the civil and military parts of the imperium coalesce.

This whole concept is of the greatest practical importance, since it involves the distinction between state and government without thereby leading to any metaphysical notion of the state as transcending human existence. It does, however, imply a certain sense of the state as an organism, in which any particular generation of rulers and subjects temporarily share, and for whose preservation they are at the time responsible. It further contains ideas, first of power as a trust, and then later of power as based on consent, as the gift of the people, whether that people is able to vote or not. Under the republic consent is to a greater or lesser degree positive. Under the empire it becomes tacit. Yet always the one who holds office is irresponsible while holding it, and behind even republican officials there is the presence of a king.

*Roman Development: Expansion
and Civil Strife*

The history of Rome may be divided into two parts: on the one hand, the expansion of Rome from a small city, surrounded

agrarian. At a later date the Punic Wars, like many subsequent wars, enriched a small class who gained vast holdings of lands, while the dispossessed increased by leaps and bounds, since the small tenants found themselves in debt, owing to their inability to work the land themselves. The change from campaigns during one season of the year to permanent warfare overseas was largely responsible for this development.

Accordingly there grew up a system of vast estates worked mainly by slaves. These estates proved profitable, so that the dispossessing of those who still retained some land was carried on with increasing vigor through self-interest. With Roman conquests in Africa there also developed a cheap grain supply, so that the small holder in Italy itself was unable to compete. If he had retained his farm through the wars, he lost it following the peace. The Licinian Laws of 366 B.C., which had limited the size of any man's holdings, were calmly nullified, and there grew up a proletariat without means of self-support. The whole movement, both in its causes and consequences, offers close analogies with the Enclosure Movement in England in the eighteenth and first half of the nineteenth centuries.

In the latter half of the second century B. C., Tiberius and Gaius Gracchus, while holding the office of tribune, made themselves popular leaders through their insistence on the enforcement of these old laws and their attempt to resettle the dispossessed on the land. But, while certain of the Romans of the older tradition feared the consequences in terms of the balance of the state, of the growth of the dispossessed proletariat, the upper classes as a whole, having profited from the growth of large estates, were opposed to the entire scheme. As a result, both the Gracchi perished by violence.

The dispossessed in large numbers became soldiers in various Roman armies. Ultimately they grew to feel a strong allegiance to their personal leaders who offered them opportunities for gain, following successful battle, and also fought to get them plots of land, the equivalent of the present-day bonus, when they became veterans. In the earlier Republic the general was simply the leader of a militia, possessed of imperium for a particular purpose, and it was to the state, and not to him, that soldiers

felt allegiance. With Marius, however, the situation changed somewhat. He commanded a permanent and professional army that came to rely on him, rather than on the state, for rewards, and, not unnaturally, felt that it had a prior duty to him, rather than to the civil government in whose interests it nominally campaigned. The same was true with Marius's great opponent, Sulla, who first gained his popularity through his appeal to the dispossessed in his ranks who thirsted for land. Finding himself thwarted in satisfying his followers, he marched on Rome and set himself up as its first absolute dictator in our sense of the term.

Thus was started that process which ultimately ended with the setting up of the empire in the place of the republic. Pompey, and later Caesar, followed in the footsteps of Sulla. The latter, indeed, was able to gain his position because he had more political power than Pompey. Pompey was unable to provide his veterans with adequate bonuses in the form of land, and his army, in part, went over to Caesar, who championed their claims as well as those of his own soldiers. It was, therefore, at bottom the agrarian trouble of Rome and the sense of the responsibility for their men on the part of leaders, whose armies became increasingly personal, that led to the undermining of the republican institutions. Perhaps because the initial movement of agrarian communism, as developed by the Gracchi, so soon gave way to the more practically successful system of bonuses from military leaders, there has not survived any systematic written philosophy arising out of the discontent of the disinherited.

Law Under the Republic

The chief law of the republic down to the middle of the third century was, we have suggested, legislative, and embodied the idea of consent. By that time, however, Rome already had considerable contacts with foreigners, many of whom resided in the city itself for commercial and other reasons. This foreign element created special problems in the relations of foreigners both to one another and to the Roman citizens. The

Roman law, developed exclusively for citizens, was not adequate to deal with legal and judicial problems arising out of this new element. Rome was not yet willing to extend its citizenship to these people. Yet they sought for justice, and it was not politically wise to treat them simply as inferior subjects. It was expedient for Rome to conciliate, to attach them to itself by bonds stronger than mere force. Accordingly there was created an official known as the *Praetor Peregrinus*, a magistrate charged with determining cases arising from such relationships, and with finding applicable rules of procedure. Essentially he discovered that it was necessary to take the conflicting customs of different people, to find common elements, and to apply rational criteria in selecting principles and determining rules. Starting from procedure, he soon found himself creating substantive law, and at the end of his period of office he collected and published the edicts given out in the course of his duty. In the beginning, no doubt, each praetor made his own rules without any formal reliance on his predecessors, and published them alone. Soon the custom grew up for one praetor to take over the rules of his predecessor, thus ensuring an established usage, and simply to add to it new elements, if any novel situations arose, or to modify it where the older rules seemed manifestly unjust.

Thus was gradually created a body of law which recognized the practices of men generally, and was not exclusively Roman. It was, moreover, the product, not of legislative authority, but of men who were at once administrators and judicial officers; and it embodied the idea of justice rather than of popular will. It was law arising from conscious search for rationally defensible principle, law deduced from general ideas of right as they were manifested in the varying practices of peoples. Another element that molded the treatment of foreigners towards the end of the republic was the current Stoic philosophy with its universalism, its doctrines of human brotherhood. Under the empire the idea of will contained in *lex*, legislative law, and the idea of justice contained in *ius*, law as the embodiment of rational principles of justice, coalesced. While law was the will of the emperor, the later codes, the great body of Roman

law as it has descended to us, put equal emphasis upon each of these two elements; law was never regarded as merely the caprice of an autocrat. These codes, however, were the product of jurists, of juristconsults, working under the emperor and consciously following a philosophic system. Nevertheless, they received their authority from the imperial will rather than from popular consent. To these later developments we will return shortly.

The Political Ideas of Polybius

At this point it is necessary to consider the political philosophy produced by the republic. The first philosophical commentator on Roman government was neither a Roman nor a political theorist. He was, rather, a Greek who wrote extensively on Roman and Hellenistic history, though the greater part of his work is lost. Polybius, born about 200 B. C., came of a distinguished family and took part in the political life of Greece. He was brought to Rome as a hostage in 167 B. C. and remained there some sixteen years. During that time he associated with the Scipionic Circle, which comprised the leaders of the intellectual, as well as the military, life of Rome. Such contacts doubtless gave him insight into the Roman mind and character, as well as understanding of the workings of Roman institutions. He travelled and saw the triumph of Rome's armies and the growth of its empire, while he was also used by the Romans to draw up a constitution for the Peloponnese. He was fascinated by the amazing growth of Rome's power and his *History* was primarily concerned with explaining the reasons for Rome's phenomenal success.

Part of the explanation he found in her political institutions. Polybius accepts the general idea of the cyclical nature of governmental transformations as held by Aristotle. He insists that the process starts with kingship, the acceptance of authority by men in a state of nature to avoid the evils of anarchy, a view strikingly like that of Hobbes¹ at a later date. This form of government tends to become corrupt, and the cycle of revolu-

¹ See Ch. XVIII, pp. 488-493.

tion and reaction begins. All the primary and simple forms of government are therefore doomed to failure. Polybius again agrees with Aristotle that the way out of this is a balanced constitution, embodying elements derived from all the forms; but, where Aristotle had simply set up the theoretical concept of a polity, Polybius discovers that such a government actually exists and does possess the stability and strength predicted for it by the former. The Romans, capable of learning the lessons of bitter experience, have managed at length to discover, and give legal form to, a type of government which contains monarchical, aristocratic, and democratic elements. They have so balanced these different elements that each checks the other and none, by becoming tyrannous, makes revolt necessary or inevitable. The common interest is served by a recognition on the part of all that it is unwise to abuse their powers and risk the opposition of the other forces in the state. Polybius shows, not simply that each interest will be represented, but that they will conflict, and that out of the conflict will grow a compromise that keeps the ship of state on an even keel and prevents excess in any direction. By giving a constitutional position to antagonistic elements, Rome harnesses them for the general welfare: it prevents them from frittering away their force in a series of struggles that destroy stability and endanger security. The balancing of forces creates momentum and power, while ensuring continuity and the absence of civil strife.

The Career and Political Doctrines of Cicero

The most articulate Roman thinker in the first century B. C. was Marcus Tullius Cicero, who was born in 106 B. C. Cicero started his active career as a lawyer and made a great reputation for himself as an advocate in leading criminal cases, cases which usually had considerable political importance. Like many a modern lawyer, Cicero used the reputation so gained as a stepping-stone into political life. He held the different leading offices of the Roman Republic in rapid succession, finally attaining to the consulship, the highest office in the state, in 63 B.C. While consul he suppressed the dangerous Catiline conspiracy,

though to do this he had to use means subsequently adjudged unconstitutional by his enemies and by them made the basis for his banishment in 58 B.C. Incidentally it is interesting to note that Cicero was seemingly as opportunistic as modern politicians: for two years before he became consul he had considered the possibilities of gaining publicity and repute by defending Catiline.

In the struggle between Pompey and Julius Caesar that followed, Cicero himself refused to take a clear stand, to support either party, and consequently lost friends all around. On Caesar's death, Mark Antony attacked him bitterly in the Senate and he replied with the yet more bitter Philippics. Consequently he was proscribed by the Triumvirate, and put to death in 43 B.C. Though Cicero's career as advocate and statesman was not uniformly admirable from the standpoint of a moralist, he was on the whole a person of some courage and a genuine defender of republican institutions. Like many another moderate, he was the victim of the distemper of the times. If his speeches and writings as advocate and politician were unduly bitter and biased, his political philosophy nevertheless remains of real value. While Cicero was a politician, he was no less a scholar; and, had the times been less troubled, his reputation might have been greater and less tarnished. He had studied not only law and oratory but also philosophy. He was, indeed, largely responsible for the introduction of Greek philosophy into the Roman world. He was not profoundly original, but he had a considerable capacity for digesting ideas and absorbing the leading doctrines of the times. He adapted these to Roman conditions and showed great ability in presenting them in a simplified and semi-popular form. In this work he combined concepts from the classical Greek thinkers with the newer Stoic philosophy. He was not, like Seneca in the following age, an official adherent of an apologist for Stoicism, but he apparently had very considerable sympathy with the Stoic point of view.

His political ideas are contained in two works, the *De Republica*, given to the world in 51 B. C., and the *De Legibus*, which

was published posthumously. Neither of these has reached us in complete form, though what we have inherited is sufficient to give us a fairly clear idea of Cicero's point of view. *De Republica*, the first of these works, is modeled more or less on Plato's work and takes the dialogue form, with Scipio acting as Cicero's mouthpiece, just as Socrates had been a purveyor of Plato's ideas. Like Plato, too, Cicero makes the principle of justice his central theme.

Yet his idea of the nature of the state or commonwealth is somewhat different from that of Plato. For to him the republic or commonwealth is, not an hierarchical society, but one in which the whole people are concerned, and whose purpose is the common well-being of all. Cicero conceives of the people, however, not as a casual collection of individuals, but as a group united under a common law. That common law must be based on justice. Unless there is justice, there is no genuine state at all. We see here an interesting link between Plato and St. Augustine,¹ who quoted largely from Cicero's *De Republica*, the text of which was lost for centuries, and was discovered only in comparatively recent times.

The problem then arises as to what is justice. Cicero, again in common with Plato, rejects the whole idea that law, the embodiment of justice, is simply conventional and utilitarian, or that justice is dependent on human will or the consent of men. Rather, it is the principle and law of nature, which embodies those basic and uniformly present ideas underlying the whole order of the universe and determining its structure. It is, at bottom, the dictate of right reason, constant and eternal, and it commands men to do their duty. Thus it is analogous to the Kantian moral imperative.² The source of this concept is to be found, however, in the Stoic philosophy of universal brotherhood; and in so defining justice, Cicero departs from the ideas of Plato with his insistence on the proportionality of power and ability. The change, moreover, marks the difference in condi-

¹ See Ch. VII, pp. 203-206.

² Kant, a German philosopher of the late eighteenth century, claimed that the absolute basis of moral obligation consisted in the command, "Act so that your act may be made universal law."

tion between the exclusive Greek city-state and the imperial republic, soon to give way to an empire which was to extend Rome's boundaries yet further.

What, one may ask, is the relation of actual legislative law, whether made by people or prince, to this ideal law? Cicero seemingly holds, in the *De Legibus*, that any enactment which fails to conform to the principles of justice is law only in a formal sense and lacks the true character of law. Unfortunately, however, while Cicero makes a distinction between just law and mere legislative enactment, he does not solve the problem of the precise relations between the element of right and the element of will in law. Nor does he tell us whether the principles of natural law are to be accepted as law even when not given formal recognition by the state, or when denied by its actual enactment. Nevertheless he does accept the idea, so important in the Stoic philosophy, that men are naturally equal, so that just law must presumably give recognition to their equality. He rejects the whole concept of the fundamental inequality of men that was a basic premise of both Plato and Aristotle; and as a consequence he rejects also the idea that the best government is that of the virtuous few over the many who are incapable of wisdom. Cicero holds it to be true that all men are capable of reason and can be trained to virtue. It is only the existence of social institutions that causes inequality. Men are naturally equal in endowments and potentialities.

Here again it may be well to note that, though Cicero apparently agrees that the state is something more than a conventional institution, he nevertheless contrasts the natural with the artificial society, a concept that, many centuries later in the hands of Rousseau,¹ was to become the basis for a radical attack on the right of property. Cicero himself does not develop the potential radicalism of his point of view. Thus, while he claims that men are equal, he actually goes beyond Aristotle in arguing that Asiatics are naturally slaves: the latter had refused to condemn men in terms of race or country. Nevertheless Cicero seems not to approve of slavery on any general grounds of theory, but rather to condemn it. Yet he does not attack the insti-

¹ See Ch. XXII, pp. 617-622.

tution, but simply suggests that individuals who own slaves should remember that slaves are also human beings, and so should be treated justly as rational persons. Seemingly he accepts the Stoic doctrine that outward appearances are not of first-rate importance, and advocates social quietism. It is, however, not improbable that Cicero believed that the growth of coercive social institutions had corrupted the natural man. Yet, because of long-lived custom, the latter was incompetent to return to his primitive conditions. It was therefore necessary to mold institutions to serve ends natural because rational, rather than natural in the sense of original. In terms of this view, it was desirable for some individuals and some races to be placed in subjection to more cultured persons or peoples, that they might develop their potentially rational natures. Unable to return to nature, they could nevertheless achieve the virtues of the natural man—and on a higher plane.

Here we should keep in mind that, while Cicero had an intellectual sympathy with Stoicism, he nevertheless had considerable veneration for the Roman tradition. Though himself a self-made man, he was a supporter of the aristocratic interest in Rome. It is, indeed, quite possible that Cicero turned to Stoicism, not because he was attracted by its universalistic teachings, but because it did in certain respects conform to the long-established Roman tradition, with its emphasis on character and self-control. The concept of duty as a moral imperative was common to both, and as an admirer of the supposed Roman virtues, Cicero may have found this aspect of Stoicism congenial. He was never, it must be remembered, a complete convert to Stoicism, but remained always at bottom an Academic. The concept of equality might be useful as a basis for rational reform, but as a politician Cicero recognized the practical importance of authority in society and the actual evil and malevolence in many human beings.

Indeed, though Cicero desires to make justice the touchstone of the validity of law, he deems it necessary to defend the exercise of political authority, and has very little sympathy with doctrines of philosophical anarchism. He accepts the Aristotelian idea of man as naturally a social-political being, and believes

that statesmanship is the highest of all arts. The state is a growth, and that growth is to be nurtured and preserved. The greatness of Rome is indeed the result of a gradual political evolution, of adaptation to changing circumstances. However much Cicero loves reason, he deplores its use in a destructive and radical manner to undermine the existing government and to destroy what men have so carefully nurtured. His theory of the state is indeed almost an organic one, and his basic attitude is very closely analogous to that of Burke in the eighteenth century.¹ Nature may be rational, but the state is natural because it is the outcome of the social nature of man and develops with his changing circumstances and needs. Reason is to be applied critically for its improvement, but that improvement is simply the reform or removal of abuses, the making of laws which are just to replace those which are unjust. It is not reason's function to devise a totally new society in terms of *a priori* assumptions.

Within the state there must, of course, be government, whose purpose is to realize the basic principle for which states develop, the achievement of the good life through justice. What form the government has is not of great significance, provided that justice is realized; while, if justice is denied, one has no true state at all. Yet the practical possibilities of justice vary to some extent with the form of government. Liberty, a share in power and a check on the government lest it abuse its position, is necessary if justice is to be a permanent feature of the state. Because men are equal, they all have some capacity for functioning as political animals. Consequently they should not be denied the right to share in power. Nevertheless, Cicero does not infer therefrom that democracy is the correct form of government. He fears that democracy will turn into mob rule and will deprive the few of their proper share of power.

It is therefore desirable to have a mixed form of government, which will give to all some part in government, and will by the checks created bring about stability and prevent tyranny by any one interest. This is essentially the doctrine of Polybius, though Cicero gives it a more philosophical form. We should

¹ See Ch. XXIV.

perhaps keep in mind that this idea of a balanced constitution is a typical attitude of conservatives and of aristocratic groups. These, in common with Cicero, generally appeal to the idea of an absolute right and justice as against the popular will of majorities. This whole philosophy is expressed again in the writings of the early Federalists in America, and particularly in the works of John Adams.¹ It may be not without significance that of all classical writers of the ancient world, it was to Cicero that these gentlemen most appealed. Yet Cicero's denial of the desirability of democratic government logically involves a rejection of the whole doctrine of the equality, rationality, and virtue of men.

In concluding our analysis of Cicero's thought, we can only say that he was confused and that he tried to impose upon the conservatism of the lawyer-statesman the ideas of the benevolent, dilettante philosopher. While Stoicism was to become a vital force in the shaping of Roman law, it had in Cicero's time made but little headway in this direction, though men like Cicero were aware of the new ethos of the age. Stoicism appealed to Cicero as a support for that humanitarianism which was undermining the harshness of the older legal scheme and adapting it to the new conditions of a wealthy and more cultured society. His was the liberalism of the legal reformer, a liberalism not incompatible with an essentially conservative view of statesmanship. He is interesting because he represents a ferment of ideas. In him come together points of view which were to provide the basis for two diametrically opposed attitudes that have struggled for mastery in the theory and practice of the western world ever since.

The Institutions of the Empire

With Cicero, the Roman Republic is almost at an end. Augustus, the first emperor, did indeed show considerable def-

¹ This period in American thought will be taken up early in a subsequent volume. The Federalists had a great fear of demagoguery, and believed that the separation of powers and the system of checks and balances would prove a protection against the danger thereof. Adams was a leading advocate of the balance system, with the landed class the center of power.

erence to the Senate and to popular political institutions. The subsequent reigns, however, were to be characterized by an absolutism under which the Senate was a mere recording body, while the people ceased to have any political authority whatsoever. Indeed, well before the end of the second century A. D. the imperial power had come to be dependent to a large extent on the support of the army, and particularly of the praetorian guards, the palace army. The people were kept contented by a more or less lavish provision of bread and circuses.

Yet, if the empire was an absolute government, there was always at least a nominal qualification on that absolutism. The theory, if not the practice, of the consent of the governed, insofar as the governed were Roman citizens, was preserved. Law itself became more and more the orders of the ruler: *quod principi placuit, legis habet vigorem*, what the ruler wills has the force of law. Nevertheless, this was qualified by the statement that the ruler received his authority to make law by the *lex regia*; and *lex*, as we have previously noted, was the enactment of the popular legislative bodies. If the qualification was easily forgotten, the principle was nevertheless admitted, and at a later date was to be revived as the legal basis for theories of consent. In practice, however, law became more and more the edicts and decrees of the emperor.

In the imperial service was a staff of lawyers, or, more accurately, legal philosophers, who endeavored to shape the law into a rational and coherent system, and to humanize it by the use of concepts of right, *ius*, derived from Stoicism, but given legal, rather than merely philosophical, form. These men were in a sense the successors of the *praetor perigrinus*, and it was the universality of the empire, the need to devise laws for huge populations with allegiance to one authority but with widely varying customs and histories, that determined their procedure. If the *ius gentium* was based on the common element in the practices of diverse peoples, those common elements were reflections of the universality of moral principle common to all men through reason. That is, the *ius gentium* was, not simply what happened to be, but a reflection of the *ius naturale*, the law of nature, the eternal principles of right, of what ought to be.

The empire, too, developed the practice of a kind of equality, which paralleled Stoic doctrine, even though economic and social distinctions survived, and despite the continuance of a recognized aristocracy. With the extension of the empire, and in order to cement more clearly the bonds of union within it, to gain the allegiance of its subjects, citizenship was gradually extended, not simply beyond Rome, but even beyond Italy. It was conferred on more and more of the subject peoples, and in 212 A. D. Caracalla completed the process by the granting of citizenship to all free persons within the Roman dominions.

The object of such extensions may have been partly economic, arising from the desire to collect inheritance taxes, to which only the citizens were subject. It nevertheless did succeed in creating a kind of equality, as well as in giving pride in belonging to a vast and powerful organization. While the extension of citizenship was a departure from the Greek and early Roman idea of exclusiveness and coincided with the Stoic doctrine of universal brotherhood, the centralization of power in the emperor of itself produced a certain equality, even though it were only the equality of similar subjection. All men owed allegiance to the emperor, and all were equally subject to his orders and laws.

The deification of emperors, at first after their death, but with the later emperors during their lives, was simply one evidence of this equality in subjection and of a common participation in a united society almost coterminous with the civilized world. The worship of the emperor had nothing to do with theology or belief: it was purely a recognition of allegiance and a pledge of political loyalty. This remains true, even though it may have been convenient to suggest to some of the primitive tribes within the empire, where society still lived under polytheistic, supernatural sanctions, that the emperor was in very fact a powerful god.

Basically, however, the imperial worship reflected and symbolized the idea of universal participation in a united world, and it is as ironical as it is sad that the early Christians, who themselves were preaching a gospel of inclusiveness rather than exclusiveness, and who accepted the idea of subjection to earthly authority, should have come into conflict with the empire over this

very issue. The later acceptance of Christianity by the empire and the subsequent history of western Europe suggest that the two were not incompatible, but supplementary. This is the more clear when we note the pride taken by the empire and its citizens in the celebrated *Pax Romana*, Roman Peace, which, though it necessitated continuous fighting against barbarians on its far-flung borders, was nevertheless a reality internally over a considerable period, despite quarrels between claimants to the imperial title. Universality, peace, order, and a species of equality were all ideals, and to a considerable degree actualities, of the Roman Empire. They were also the doctrines both of Stoicism and of Christianity. If Christianity replaced the older empire, it essentially continued and developed certain of its traditions.

*The Stoic Philosophy and Its
Exposition by Seneca*

Hitherto we have made frequent allusions to the Stoic philosophy. It is perhaps desirable at this point to treat its principles and ideas in a somewhat more systematic fashion, and to examine the most thorough exposition of its political implications, as contained in the work of Seneca. It was in the first and second centuries A. D. that Stoicism exercised its greatest influence on Roman thought. Yet it had much in common with the doctrines of the Cynics, a school founded by Antisthenes in the earlier part of the fourth century B. C., but influential in Greece when the great days of the city-state were over and the age of empire had arrived. In this original form, Stoicism was essentially non-political, emphasizing the internal life of man and the irrelevance of external circumstances. It proclaimed the importance of man as man, rather than as citizen, and therefore went beyond the confines of the city-state or of imperial government to the brotherhood of all. It insisted on the unity of all peoples through their sharing in a common reason. It stressed the underlying rational laws of the universe, of which particular systems were the imperfect reflections and embodiments.

Nature was a rational system of laws governing both the external world and the world of man. In the social sphere, the law of nature proclaimed that men were equal because there was no rational basis for distinction and because men all shared the capacity to reason. Differences between men were therefore the results of chance and convention. It could from this be concluded either that they were unimportant, since the reality was spiritual equality, or that they were unjust because unnatural, and therefore ought to be changed so that human institutions could correspond to what was just and rational. In the former case, the conclusion was that men should ignore their chance conditions and accept the state as it was. When developed along this line, the quietism of Stoicism is not, from a political viewpoint, far from the Epicurean hedonism. But if one insisted that institutions ought to conform to the ideal of justice and give overt recognition to the essential equality of man, either the doctrine could readily become the basis for legal reform and the removal of harsh abuses or, taken in a more radical sense, it could lead to an attack on all undemocratic authority and perhaps, in the form of philosophical anarchism, on all authority whatsoever.

The political philosophy of Seneca is the best expression of the Stoic ideal in its reformist, rather than its revolutionary, implications. He was writing under the empire and found it expedient so to develop his ideas that they should support, rather than conflict with, the needs and desires of authority. Yet, while he finds it necessary to approve existing institutions and to demonstrate that they are not incompatible with his fundamental principles, those principles themselves are in essence radical. In the long run authority can be supported in terms of the Aristotelian concept of the inequality of human nature: it cannot permanently gain aid and comfort from a philosophy that treats men as equal and rational, or that sets up universal principles of nature, which is itself considered as an intelligible conceptual scheme of order, as a criterion of institutions.

The concept of nature, which he views as a rational and universal scheme of morality and a measure of the good, is central to Seneca's theory. All human beings are capable of living ac-

according to nature and may equally possess virtues, whatever their social status. The actual circumstances in which men find themselves, their inferiority or superiority in the social scale are accidental, not inherent. They affect only the body, while the mind remains free.

This doctrine of the dualism of mind and body, which we today have so largely rejected, constituted a rather normal element in ancient thought. From it emerge two consequences. On the one hand it encourages a philosophy which does not make ethical valuations simply the outcome of individual need and desire. On the other, by stressing the unimportance of the material universe, it readily leads to quietism and to a view that the good life does not depend on an economic foundation. Where the modern world is ruled by the idea of progress, which includes, and often is identified with, material progress, for Seneca the golden age lay in the past. Once all men had lived happily together in a state of innocence and purity, sharing all property in common. No government was necessary: men voluntarily followed the wisest of their number, who were inevitably just. This primitive state was not one in which men were aware of good and evil and were wise. It was simply the state of innocence, which was also ignorance.

This general view of the state of nature is not dissimilar from that which Rousseau was to propound later.¹ However, whereas Rousseau constructs his state with a view to returning to the essential character of men in the state of nature, Seneca recognizes that an innocence which is mere ignorance is not a virtuous condition. Men in a state of nature may live happily and peacefully with a communism of goods, and order may be safely preserved. Such unnatural conditions as slavery are avoided, while compulsive government is also absent. Yet, because men are not sophisticated and do not know the difference between good and evil, they are not capable of genuine choice. Hence there is no real morality among them. In short, man in a state of nature has not attained his full status. It is only with the disappearance of that state that he becomes genuinely a moral being.

¹ See Chapter XXII.

Yet that state disappears, not through the growth of a positive morality, but through the fall from idyllic mutual benevolence of an unthinking character. Desire develops, and it is property and acquisitiveness that undermine the erstwhile happy existence. Here again we see the germs of Rousseau's later theory. It may, however, also be noted that Seneca's concept of the state as due to man's evil nature, yet as a means to the good life, is not unlike St. Augustine's view of the Fall and of the practical necessity of subsequent compulsion. Seneca explains the process as a corruption of wise and voluntarily accepted natural leadership into compulsive tyranny, which men then have to control by the creation of laws. Unlike St. Augustine, he does not take the view that order imposed by authority is valuable *qua* order. Rather he emphasizes the latter's other main doctrine, that justice, identified by him with the natural rule of reason, is the test of the true good life. This is life under the state.

It is in a society which is conventional, that is, not simply and primitively natural, that men really gain an opportunity to develop. They have lost the innocence of the primitive; they have gained the opportunity for rational goodness. The true nature of man is reason, though the conventions of mankind, if they allow him to exercise this reason, also create artificial institutions which pervert his life and make difficult the attainment of rationality. Law and property are both necessary for the good life. Yet they may both corrupt it and lead to a subjection which hampers a full development of the rational being. Nevertheless, the genuinely wise man can transcend outward conditions and attain morality, despite repressive influences and despite a personal condition of subjection, as in slavery.

The state and all its institutions are the products of man's fall and may be in some ways evil, so that retreat into the self is necessary to become good. Yet those institutions are also the precondition of any rational goodness. This is perhaps paradoxical, though it may be noted that what it does is to combine the backward-looking character of the ancient world with the idea of progress that was to become so significant at a later date. It insists on the state as a positive institution necessary for a good

life, while at the same time emphasizing the fact that particular states may by their laws hamper the external achievement of that good life in the social pattern and force men to retire into themselves. Seneca, as a result of this dual emphasis, reveals both the quietist and the activist elements in the Stoic philosophy.

Political quietism is the necessary attitude for men under a government that is corrupt. Through it alone can they attain a rational existence and ignore the chance of outward circumstances. Yet man is a social animal, and reason dictates mutual aid where that is possible. Hence, when opportunity arises, the true Stoic will take part in the life of the state and will shape it towards rational ends of social well-being. This latter, be it noted, is broadly the viewpoint of the *philosophes* of the eighteenth century,¹ who were indeed essentially descendants of the Stoics.

Incidentally, we must emphasize the point that even quietism is not for Seneca a complete withdrawal from society. The philosopher and good man, deprived of the possibility of public life, may yet by his moral example and by his intellectual influence shape and help his fellows, giving them a true understanding of the rational character of man and of the connection of the reasonable man with a rational society.

Moreover, beyond the individual state lies the whole world, and through reason all men are brothers and equals. Hence men have mutual rights and obligations vis-à-vis their fellows, *qua* men and apart from state power or the boundaries of particular nations. Mankind, in short, is more important than one's fellow citizens. One may always devote oneself to it through rational and humane treatment of the less fortunate and by respect for the dignity of human nature as such. This again is closely analogous to the cosmopolitanism of the eighteenth century; while it is related to the concept of a *ius gentium*, or law of nations, derived from nature and providing a rule for the intercourse of peoples.

¹ French social philosophers who attacked abuses of the *ancien régime*, in both church and state, using reason as a critical tool and as a criterion of all authority and social arrangements. Best known among them are Diderot, editor of the celebrated *Encyclopédie*, and Voltaire. For the latter, see Ch. XXIII.

Further, this universal reason readily becomes the higher law by which the performance of particular states is to be tested. As we shall soon see, it coincides with the Christian doctrine of the law of God, the rational Creator of the whole universe, whose moral commands are superior to the rule of princes. At a later date the organized church was to use this doctrine as a tool to control rulers, whether emperors or kings, and to make the test of the justification of their power not their will, but the rightness of what they willed.

Despite all this theory, however, Seneca was living in imperial Rome and had perforce to reconcile his philosophy with the existing absolutism. To do this he has to argue that to the true philosopher forms of government are irrelevant, and he agrees with Pope that "whate'er is best administered, is best." Yet it is not simply order he desires, but a just rule. The function of the Stoic politician is to endeavor to turn the emperor towards ways of benevolence and humanity. Indeed, there is much to be said for a single ruler in an empire in that he, like the King of England today, is a visible bond of empire. The ruler should, however, regard himself as one given power for a moral purpose, and consequently as having duties to his people, whose well-being is entrusted to his keeping. He may make rules, but it is his duty to see that those rules are wise and just. ✓

Perhaps one should here note that Seneca is seemingly unaware that power almost necessarily tends to corrupt its holder and that benevolent despotism is unlikely to be lasting. Even the Antonines, among the best of despots, fell sadly short of the ideal; while a review of the lives of the supposed benevolent despots who were so praised and encouraged by the philosophers of the enlightenment suggests that a consistent practice of humane beneficence is incompatible with the habit of autocracy. It was only with the growth of the Christian church that the parallel existence of two authorities resulted in the necessary checks to make government subject to moral criteria; and when we come to this period, we shall note that the spiritual power itself tended to moral decay with the extension of its control. This led to the final rejection of its claims and to the new absolutism of the national monarchical state.

Law Under the Empire

It is necessary at this point to return to the development and influence of Roman law. Under the empire, the emperor became the source of law that expressed his will. Augustus himself, indeed, still relied on the popular assembly to give moral support to his orders, while his successors paid a similar deference to the Senate, which was almost completely controlled by them. Gradually, however, law made according to nominally constitutional forms was supplanted by purely imperial law, the product of the emperor or of his civil service. The emperors developed a whole series of branches of administration, and in particular made the legal profession their servant. The imperial lawyers, like the crown lawyers of France in the sixteenth century, were servants of the ruler, giving system to his will and devoting their legal and philosophical talents to the task of combining the needs of absolutism with the dictates of reason. Roman law in its classical period was largely the product of jurists who were legal scholars rather than simple advocates. These gentlemen discussed both hypothetical and actual cases, as well as general legal principles, in public. Out of this work there developed a system of rational codes covering all cases. The haphazard growth of law from the decisions given in particular actual issues was supplemented, and even supplanted, by a scheme of general rules. A system analogous to our own common law gave way to an intellectually harmonious system of codification, and finally ended in the actual promulgation of codes by various emperors, who employed the jurists for this purpose and used the imperial authority as a sanction for an intellectual scheme of law. Thus, while law was the will of the emperor, it also became a system of justice based on reason, logically integrated and universal in scope. Further, it had practical universality, since it applied throughout the empire. While the jurists broke into two sects, known as Sabinians and Proculians, their differences were not fundamental, and both were influenced by the Stoic doctrines. They were, in short, philosophical lawyers concerned with theories of law, with jurisprudence.

Law had for these jurists an ethical basis, even if it was also the result of imperial will supported by a sanction. They were not concerned simply with stating what the law was, but with reforming it in terms of the Stoic humanitarianism and in giving to its particular parts a generality based on principles of reason. Their humanity introduced into law a certain flexibility rather like that produced by equity in its original growth in English law, a flexibility that destroyed the rigid and often unduly severe practices that had come down in Roman law from early Republican times. In particular they were responsible for humanizing the *patria potestas*, the power of the father over his family, which had formerly been a power of life and death, and the laws governing the treatment of slaves. Yet, if in this sense they gave the law flexibility, they also tended to give it system and order by the use of abstract methods of thought, by making particular laws or branches of law deductions from general philosophical principles. The emperor's will was thus enlisted in the service of reason and a humane moral conscience.

Ultimately, however, a new rigidity was introduced, since law became in their hands more and more a written system made up of various codes. These were taken to be authoritative and binding, not only because of their intellectual and rational character, but also because they were the products of will. Moreover, owing to the complicated character of Roman life, it was desirable and necessary to have fixed points of reference. Nevertheless, from the end of the third century A. D. rapid social change took place in Rome, and this led to the need for new types of law, including, with the coming of Christianity, ecclesiastical law; so that there prevailed once more almost a case system of law through the work of magistrates who had the task of dealing with the new social, religious, and economic conditions. These magistrates, however, relied largely on imperial enactments. The work of the earlier jurists was their starting point, and they continued to use general principles. This development again gave way to systematization, and the great codes were drawn up. It was with Justinian in the East, after the division of the empire, that the greatest and last of these codes was made in the years following 528 A. D. It was this code that formed that universal

system of Roman law which so greatly influenced the modern world and lies at the basis of much continental law.

Immediately, however, it is interesting to note that in the West the last centuries of the empire saw the universal law of Rome, not simply extended throughout its dominions, but also given special local developments by the particular influence of law and custom of local communities. In the so-called Dark Ages, one discovers a series of systems of local law that curiously compound the customs of Germanic tribes with the general principles of Roman law. Thus the Roman law influence is not lost with the fall of Rome, and the criterion of rational justice continues. But universality in practice disappears, and it is the differences of law from place to place that become obviously significant. Nevertheless, the common elements are there, even if in the background.

Moreover, if the civil law ceases to be a universal system, the Canon Law that develops identifies the law of nature with the law of God. With the spread of Christianity over the Western World, a new universal code on an ethical basis comes into being, although its influence is felt mainly by the clergy. It does, however, cover such matters as marriage and the making of wills, and so has a more general importance. But the growth of wealth and the emergence of a consciousness of nationality leads to a fight against this system by increasingly powerful kings. The investiture controversy is indeed a political conflict. Yet it turns largely around the question of legal jurisdiction; and the ultimate triumph of the nation-state produces an immediate emphasis on law as the will of a ruler rather than as an ethical problem.

Nevertheless, the needs of religious groups within the state on the one hand, and the international anarchy of competing states on the other, bring about a revival of the idea that law is to be tested in ethical terms. The former is indeed mainly an ethical, rather than a narrowly legal, movement. Through it we get the revival of Stoic and Christian principles in the form of a demand for rights. The attainment of those rights, however, results in constitutions in which the essential ideas of Stoic jurists reappear. In the international sphere anarchic conditions

stimulate the development of international law, producing a revival of the discussion of the relations of *ius naturale* and *ius gentium* which had played so important a part in the Roman theories of Gaius and Ulpian.

Those ideas, and particularly the concept of the practices of mankind universally as constituting the law of nations and being the reflection of an ideal rational law, do indeed differ from the earlier Roman theories, since the fact of universal empire has disappeared and the problem is rather to find a basis for intercourse between states than to select common elements in the practice of different peoples all under one sovereign. Yet the essential idea of law as something to be tested by principle, and the rejection of brute force as itself an adequate basis for the intercourse of men, remain.

The Social Philosophy of Christ

We have in the past pages emphasized the degree to which Christianity and Stoicism coincide in their basic philosophy. Both for this reason and because Christianity was adopted by the Roman Empire before its fall, it seems advisable to examine briefly the early ideas of the Christian faith and the consequences of that acceptance.

Christianity, like Cynicism, arose among a people which had lost its earlier greatness and spread among those who were conquered and had lost their independence. Palestine was part of the Roman Empire, and the teachings of Christ were addressed to a subject people. Christ appears in the beginning indeed simply as a successor of the Old Testament prophets. He preaches the importance of ethical behavior as against the insignificance of a formalized religion that has lost spiritual ardor and that has become a convenient support for the dominant Jewish class in an inegalitarian society.

Christ demands social and moral reform within Judaism. He speaks for the poor and disinherited Jews against the priestly class that is part of the Hebrew aristocracy. He demands a purity of heart and a social conscience, stressing men's duty to their neighbors as an essential part of their duty to their God.

As they are the chosen people, they must be worthy of that choice by their works and behavior. The interests of the dominant group are incompatible with the necessary reforms, just as at a later date the Catholic Church could not reform in the manner demanded by Luther. Just as Luther is driven to reject the whole of Catholicism, so Christ finds himself compelled to turn from the task of endeavoring to reform Judaism to preach a universal gospel and to deny the Jewish monopoly of the true God.

This, of course, constitutes a yet more fundamental threat to the existing hierarchy and goes far to explain the animus of the high priest and his colleagues against Christ. But, where Luther could turn to German princes and gain political support, there was no similar opportunity for Christ, since the Roman empire was concerned chiefly with peace and order and would certainly have been unwilling to antagonize a dominant group within one of its provinces. This perhaps saved Christ's teaching from the perversion suffered by Luther's.

Christ turned from the exclusive Jews to preach a universal ethical and non-political doctrine acceptable by Jew or Gentile. That doctrine was, however, peculiarly suited to the needs of a mass doubly oppressed by its own upper class and by the Roman ruler, though it had in it the power to appeal to those oppressed everywhere. For Christ stressed the identity of human nature and the importance of purity of heart, while he offered an ultimate salvation to all who endeavored to pursue goodness. This last tended to make earthly distinctions insignificant in view of the greater importance of everlasting life. Like Stoicism, it stressed one's social duty and emphasized the possibilities of the good life regardless of external and political conditions.

Specifically, Christ attacked the idea that a man's wealth or public importance was a measure of his value; and indeed argued that such position was generally a hindrance rather than a help towards goodness and the attainment of salvation. He urged that men were equal, and he argued the duty to care for the poor, not simply as a matter of measured charity, but even to the point of giving up one's earthly goods. While this teaching was primarily ethical and might be perfectly compatible with political quietism, it could also be interpreted as an encouragement to

political and social radicalism. His stress on the equality of man, combined with the doctrine of the duty of the surrender of earthly goods for the benefit of one's neighbor, could easily be interpreted as a plea for economic communism; while the idea of universal brotherhood and benevolence could easily suggest the ideal of anarchy.

Indeed, Christ's emphasis on the idea that government was in one sense irrelevant because it was unable to touch the truly spiritual and socially minded man could in itself readily become a doctrine of lack of duty towards the state. Subsequently much was made of the statement, "Render unto Caesar the things that are Caesar's and to God the things that are God's." Yet it is clear that this was a cunning escape from an attempt by the priests to entrap Christ and get him into trouble with Rome. It could, of course, be developed to mean the duty of submission to any government; but it might equally be made to mean the duty of resistance to any unjust government that failed to live according to Christian precepts, that interfered with man's service to God, or even that did not encourage it and grant conditions suitable to its pursuit.

Christianity, like Stoicism, helped to undermine the idea of national or racial exclusiveness and to emphasize the work of man and of the individual as a human being. It added to Stoicism the idea that man was valuable as human because he was one of God's creatures, and because he had an everlasting soul that was more important than the shell of the body. The body, however, was the temporary resting place of the soul, and man must use his earthly life to develop his potentialities for goodness and to serve his neighbor. Like Stoicism, the whole doctrine was pacific and involved an attack on the use of force as well as on the pride of position and resultant power.

Christianity could nevertheless easily become, and, with the adoption of Christianity by Rome and the growth of church power, did become, a doctrine of submission to government as creating the necessary order for the pursuit of the good life, as irrelevant to one's final fate, and as relatively unimportant because earthly life was so short. It might also become a doctrine of attack on tyranny because the latter made the good life im-

possible. It was used in this way by the organized church, while after the Reformation it offered an ethical basis for the attack on arbitrary authority by the individual and by the religious group.

While the monotheism of Christianity might lead it to conflict with the political necessities of the Roman Empire and of the symbolical worship of the emperor connected therewith, its consonance with the philosophy of that empire and its universal character made it easy to accept and, when accepted, gave it great utility as a buttress of the empire. But the actual social conditions of Rome, and the need to support a government that gave it aid, protected it, and spread it, resulted in an immediate emphasis on its principles of submission and allowed it to become a tacit and sometimes active, defender of things as they are rather than the exponent of radical change. Nevertheless the other emphasis was never entirely lacking, and in periods of political and social upheaval has repeatedly emerged anew.

The final importance both of Christianity and of Stoicism from an ethical point of view is perhaps the insistence that true progress is inward, a matter of the individual, and that outward change can never of itself bring about the good life. The danger involved has always been that, turning inward, men might forget the importance of social justice as a basis for that good life, a danger particularly great since a concern for eternity might lead to the view that earthly conditions were unimportant. The individual might have the duty to be conscientious in his own behavior towards his fellows; but he would not necessarily have a duty to struggle for the general reform of society or for the creation of a more perfect political order. In short, while social welfare might be promoted by political means when opportunity offered, one could perform one's duty as a Christian and as a member of society despite the existence of political oppression. State and society were not synonymous; and if Stoicism and Christianity combined to reject the exclusiveness of the ancient world, they also unfortunately abandoned the idea of state and society as one, the state becoming governmental authority rather than the organization of the whole social process. Government, as a result, could too easily become at once author-

itarian and negative, preserving the existing political and social pattern, and acquiesced in, if not supported by, religion.

What, in essence, had been the significance of the thousand years' development of Rome? Fundamental, of course, was the change in scale of life and the laying of the foundations for a civilization that embraced, not simply the Mediterranean, but the greater part of western and central Europe. Rome's sack and the disintegration of its empire did, indeed, lead to medieval localism. Yet, had the Roman Empire never existed, it is dubious whether Christianity could have spread as it did, could have promoted so considerable a degree of order, or could have given so high a prestige to the ideal of unity. While North Africa was later lost to the Mohammedan, and while, after another thousand years, the universality of the Catholic Church was to be destroyed, the common culture of Europe, the basis of which was ultimately Roman, was never to be completely undermined.

Rome had started as a city-state, but its expansion and the long ordering, under centralized administration, of a vast territory, removed forever the possibility of the city-state as the sole and highest political unit, even though civic loyalty lasted till the end of Rome's history. The expansion itself was the work of arms, but the order and peace achieved were to a great extent the product of the idea of the legal state. Roman law was never simply the dictate of arbitrariness: it involved always the sense of intelligible ordering, and, increasingly and on a wider scale, of the institutional embodiment of philosophic ideas of right and justice. Imperium, the basic concept of the legal state, might be located in one or many hands, but it was always saturated with the concept of *res publica* or common weal. Soon, too, there was included in it the sense that citizens were the ultimate judges of the state's performance, and, while their power might at times be nominal and while in a later world full civic rights might be confined and despots might re-emerge, the concept of legal limitation was never lost. Before its decline, moreover, Roman law had embodied in itself a more conscious search for justice and had proclaimed the ideal of universality. The development had resulted from the practical sagacity of the administrator on the one hand and the influence of Stoicism, with

its stress on reason and equality, and itself largely the product of expansion, on the other. The recognition of man's imperfection and the resultant need for equality, and the conviction of potential goodness by the use of reason were alike present. Christianity's coming strengthened the desire for universality and the search for social justice and offered a new rationale to the idea of the ambivalence of man's nature. Its emphasis on faith as above reason might, indeed, halt temporarily the use of the latter as a social solvent, but in itself it gave a more profound drive to the ideal of moral goodness and universal benevolence.

Bibliographical Note

For background material F. F. Abbott's *Roman Political Institutions* should prove useful to the student who lacks knowledge of Roman government. In *The Legacy of Rome* are two articles that can be thoroughly recommended, the one by Ernest Barker on *The Conception of Empire*, the other by F. de Zulueta on *The Science of Law*. For an understanding of the development and social significance of Roman law, H. S. Maine's *Ancient Law* is still valuable and is easy reading. His central thesis, however, has been modified, if not totally destroyed, by more recent scholars.

For political thought proper, Volume I of R. W. and A. J. Carlyle's *A History of Medieval Political Theory in the West* is still the best single book available. It is at once clear, interesting, and scholarly. The first two chapters, treating of Cicero and Seneca respectively, are particularly useful for undergraduates. Later chapters on the political theory of the Roman lawyers are good, but may prove confusing to one who lacks some background of Roman law. G. H. Sabine and S. B. Smith have done a translation of Cicero's *De Republica*, with *On the Commonwealth* as its title. It includes an introduction that analyzes Cicero's political ideas and sets them in their background. The essential principles of Stoicism are carefully stated and critically examined in R. M. Wenley's *Stoicism and Its Influence*. Reinhold Niebuhr's *An Interpretation of Christian Ethics*, while not primarily historical, is illuminating on Jesus' social philosophy and its implications.

CHAPTER VI

The Background and General Character of Medieval Thought

AS WE saw in the last chapter, Christianity came to birth in a province of the Roman Empire. In the first two centuries following Christ's death, it gradually spread in that empire, where it was considered by the Romans themselves simply as a curious variant of Judaism. It was frequently persecuted and, even when left alone, was not an important political factor. We have also seen that its philosophy had much in common with Stoicism and, apart from the Christian refusal to worship the emperor, was not incompatible with the Roman authority. When Constantine himself adopted Christianity, this particular problem disappeared, and the Christian religion became tied up with the state.

Yet certain conflicts still remained. The Roman world was pagan and earthly, whatever doctrine of universal brotherhood might be accepted by certain elements within it. Further, that empire was in process of decline. Its civilization might be sophisticated, but it was also corrupt. Thus from the beginning there was a battle between the pagan and the Christian view of life, between two different concepts of morality and of the purpose of human existence.

Because of its corruption and progressive weakness, however, as well as owing to the split within it that destroyed any common front, Rome, to the great horror of the civilized population of the western world, succumbed to the more virile barbarians. Not only did the city itself at last fall before them: they overran most of western Europe. Their influx may indeed be interpreted-

ed as a great migration, a population movement from the east, but it was carried out by force and it led to a destruction of the older unity of Europe and of the *Pax Romana*.

In this world Christianity was the one unifying element. Its problems, however, were difficult, for it had to struggle on the one hand against Roman decadence and on the other against the uncultured, primitive, and frequently warlike Germanic tribes. The task was perhaps in certain ways made easier by the barbarian reverence for, and acceptance of, things Roman, since Christianity, having been adopted by Rome, came to the barbarians backed by Roman prestige. Yet on the other hand it was complicated, since the barbarians themselves accepted what was offered somewhat uncritically, and curiously intermixed their cultural borrowings with their own original ways of life.

Accordingly, during the next centuries, the so-called Dark Ages, we see at work three main forces. There is first the Graeco-Roman tradition, together with the material survivals of an earlier culture. This is, so to say, the foundation on which other forces imposed themselves. Secondly, there are the barbarians, themselves pagan and in the beginning worshippers of strange gods. The barbarians settled in western Europe and gradually set up kingdoms of their own, in which, indeed, traces of Roman culture remained, but where the institutions were predominantly developments from their own earlier ways and traditions. Lastly there is the Christian church, which had to battle against both the sophisticated paganism of the Graeco-Roman world and the primitive paganism of the barbarian. Before the sack of Rome by Alaric, that church had provided itself with both an organization and a systematic doctrine and had further proclaimed its universality as an organization. Yet it had to impose itself on the other two, and the central theme in the history of the next centuries was the spreading of Christianity.

The Roman Tradition in Medieval Europe

These three forces require further examination. The tradition that we call Roman was compounded of the administrative

and engineering achievements of Rome itself on the one hand and the intellectual tradition that came from Greece on the other. While the purely Hellenistic culture was most influential in the Eastern empire, in wealthy Byzantium, which was separated from and admired by poorer western Europe, a considerable element of Greek civilization was transferred to western Europe directly through Rome, as well as indirectly through Alexandria and North Africa, where it met and intermingled with both Christianity and various oriental influences.

This factor has a dual importance. The Mediterranean had for long been at once a cradle of civilization and a center of speculative activities, both rationalistic and mystical. Now the Roman civilization itself was to a considerable degree Mediterranean. Rome had plundered the Mediterranean countries not only of their wealth but also of their ideas and religions. In Rome's period of decadence, speculation and mysticism did not decline. Rather, they proliferated and combined with certain cults in which primitive fertility religions had become orgiastically corrupted to satisfy the jaded senses of a perverted and sophisticated class. Thus, while Rome's power disappeared, there survived a way of life that impressed the barbarians by its luxury without giving them any worthwhile education. Such a tradition made it hard for the church effectively to enforce its discipline within the old Roman provinces or to extend it in the new barbarian kingdoms.

The second result of this corrupt Mediterranean way of life was its effect within the church itself. In the beginning Christianity was considered in Rome, as well as in the oriental and North African part of the Roman Empire, as simply a new cult. Many who were essentially pagan adopted and adapted it. The result was a series of heresies that had to be overcome, heresies having their origin largely in Greek and oriental mysteries and religions. The Christian church, anxious to spread its influence in western Europe, had at the same time to fight an internal battle against the perversions of its own doctrine.

These perversions might lead to strange and immoral behavior under the aegis of religious unbalance and of pagan sophistication. Indeed, the early heresies in the church and the

peculiar cults of various sects offer a fertile field for the student of abnormal psychology. With the decline of Roman power and the sense of confusion in the world, they might also lead to attacks on earthly authority and on such established institutions as did survive. This was all the more likely to occur since many thought the world was near its end and looked for the second coming of the Lord within their own lifetime.

While Rome had thus left a heritage of decadence that made for social disintegration and while the old Roman *gravitas*, seriousness of temper, had largely disappeared, she had nevertheless bequeathed countervailing legacies that helped preserve some element of unity and aided the work of Christianizing the western world. Of these, two in particular deserve mention. First, there was Roman law, which had in the past followed the success of Roman arms. Secondly, there were the Roman roads and other feats of engineering skill, among which aqueducts, ensuring a sound water supply, were most important.

Roman law indeed was significant in two directions. On the one hand it provided a general code of secular law, governing property and person and defining crimes both political and social, as well as attaching penalties thereto. Secondly, Roman law formed the basis of canon law. That law governed the clerical branch of the church, but also affected the laity, since it constituted a complete code for that sphere of life in which the church had direct authority.

As we have noted, the ordinary secular Roman law had been supported by imperial authority, but had rested on concepts of justice and right. In its later developments, moreover, particularly in the Theodosian code, it had laid down the relation of the Christian church to the empire, thus giving official recognition to the claims of Christianity. It is in its more general significance, however, that we are mainly concerned with it here. With the coming of the various barbarian invaders, Franks, Visigoths, Goths, and Huns, it did not disappear. Rather it continued as a part of the law of the separate communities that grew up. The codes had real authority and were accepted as a part of the law of Europe. Those codes were undoubtedly per-

verted and misunderstood, as well as synthesized with the particular rules of different localities, products of earlier tribal regulation and of the custom that developed in terms of varying needs. As the unity of Rome disappeared and the barbarian traditions became dominant, Roman law did, indeed, become less significant. Yet it was important in dealing with such matters as contract and property rights generally and with the relations of persons. Moreover, despite differing interpretations, certain similarities between the laws of various localities remained, partly no doubt owing to a basic likeness of conditions, but also in part owing to the power of resistance against attrition of the Roman legal scheme. This common element is important because it helped make possible the subsequent building of wider governmental units in the local areas into which Europe broke up. Moreover, in parts of the continent at least, the Roman law never succumbed to Saxon or Germanic law, but remained throughout the basis of legal institutions.

Scarcely less important was the Roman influence on canon law, the law governing the church. Canon law was essentially Roman law Christianized. With the spread of Christianity itself that law extended over Europe. Like the older Roman law, it was a universal system and was based on concepts of justice interpreted in terms of the church theory of Christian duty, particularly, of course, of Christian duty to observe certain sacraments. Canon law was not simply a law governing the clergy, though in this respect it was very significant, since the cultured and educated elements in the Dark and Middle Ages were to so great an extent of the clergy. It also covered various aspects of social life. Marriage was regulated by it; and it was in this way instrumental in spreading over a wide area a unified code of sexual morality, although this code was not always observed and the customs of the different peoples of Europe were hard to overcome.

Secondly, the testamentary disposition of property was a matter of concern to the church and was governed by this same law. The church may have had an interest in gaining property for its purposes, and those who read Christian history in terms of

the church on the eve of the Reformation may feel that such a control was undesirable, arising from ambition directed towards selfish aggrandizement. Yet, until late in the Middle Ages at least, the church was not simply a civilizing force, but probably the only one, and the wealth it acquired from bequests enabled it to contribute to the establishment of a stable economic life and to introduce some scheme of economic justice.

Lastly, one should not forget that the whole doctrine of economic justice, of a just wage and a just price, arose out of Christian teaching and was embodied in the canon law, even though we are accustomed to think of it mainly as a part of guild policy.

During the Middle Ages proper, the competing system of the canon law led to conflicts with kings who were anxious to create unified states and found it necessary to impose their own will and their own law on all the inhabitants of their territory. Towards the end of the Middle Ages, too, economic controls in terms of justice, and in particular the limitation of interest, hampered the full exploitation of new possibilities of material well-being. Yet by its law the church did succeed in an age of scarcity in spreading the idea and practice of mutual responsibility, even though it did not insist on economic equality. The canon law can in the sphere of economics also be regarded as a development of older Roman law and its application to new conditions.

While Roman law thus had a dual importance in medieval Europe, Roman roads were a further unifying element. These were not, indeed, kept up and so gradually declined. Yet they did constitute one of the few means of communication in a Europe where older skills were forgotten and where life became more and more local. They were not of themselves sufficient to preserve or to create unity, but they did at least help to prevent complete disunity and isolation, while in certain countries, such as England, they were not without significance in the early establishment of the new political form, the united kingdom. Aqueducts and baths did not aid unity, but they did help to ensure some degree of public health and to make possible the survival of town life.

*Barbarian Institutions: Tribal Organization
and Limited Authority*

The second influence we have to deal with consists of the barbarian institutions. While parts of the Roman tradition continued to be influential, though with declining power, it was the barbarian way of life that became dominant. Rome contributed certain elements making for unity and for an elevated view of justice. The barbarian contribution was largely towards disintegration of the previous unity, though this was coupled with an energy that produced a new series of local institutions and prevented complete chaos. The barbarians were generally somewhat warlike people and they lacked any intellectual tradition. They had come from the North and East in search of new homes and they settled throughout western Europe, each tribe taking a particular area and creating its own society. They gradually settled down into various kingdoms and became owners and tillers of the soil. Their agricultural skill, however, was not great; and this, combined with their failure to keep in repair the engineering works of Rome, led to the suffering of famine and plague. The kingdoms they created were, on the whole, loose-knit, their organization being tribal rather than national. Moreover, the administrative machinery of Rome had also disappeared. As a result, although they had been impressed by the magnificence of the city they had conquered and the traditions they had encountered in the lands they had overrun, their lack of basic understanding thereof prevented any real assimilation. The result was an increasingly local and small-scale life. Their institutions, their environment, and the lack of skills of a long-settled community combined to produce that localism which was so central a feature of medieval life in most of northern and western Europe until the latter part of the Middle Ages.

Nevertheless these barbarians brought with them certain political and social arrangements not incompatible with Roman teachings and capable of synthesis with Christian ideas. In the empire, we have insisted, government had been absolutism with

a nominal check. For Christianity, earthly government was always limited in terms of function. The Germanic tribes were traditionally organized under a loose government by chiefs and kings who ruled through election, even though only the members of a certain family, or of a small number of families, might be eligible for that office. The important point was that the king was chosen and did not rule merely by heredity. He was chosen for prestige in fulfilling the function of leadership, which was largely leadership in war. He had to rely, like the Homeric king, on the support and consent of a group of companions. Thus was re-introduced into Europe a potentially democratic idea, though monarchical and aristocratic elements remained the dominant forces in government for a considerable period.

In the economic sphere, too, there was no basic incompatibility between Roman and barbarian practices. The warrior in the Germanic tribes became the later citizen, while captives and those who had lost freedom through debt, the household slaves of tribal life, became the slaves or serfs of the settled communities. Slavery was an institution common both to Rome and to the barbarians. Roman law and Christian teaching might humanize the institution, but they did not destroy it. Rather it was converted, particularly by Christianity, to the service of earthly survival.

To the church, of course, the barbarian was a problem, a person to be converted and civilized; and the history of several centuries is taken up with missionary endeavor, followed by a systematic attempt to make real Christians of the nominally converted and to aid them in establishing a better way of life, in terms not only of morality, but also of earthly well-being. This task was made the easier owing to homogeneity within the individual tribes, and, later, kingdoms. It was not necessary to convert persons one by one. It was sufficient to convert the ruler, and perhaps his companions. Thereupon his realm became Christian, at least nominally, and his support might be relied upon in carrying on the work of the church. Indeed the various rulers proved not ungenerous in the giving of land and the loan of labor to the church.

The Church: Unity and a Moral Order

The third great factor in the medieval world was, of course, the church itself. We err, however, if we think that from the time of its acceptance by the empire it was the leading and dominant institution of Europe. In a very real sense it was an inter-
loper, imbued with the ardor of conviction and inspired by a mission, but having tremendous difficulties to strive against. It had to graft itself onto the established culture of Rome, to build up its own organization, a matter accomplished gradually by the early councils, and to deal with the new settlers in western and northern Europe. At the start these lacked sufficient common training with their teachers to make possible a genuine meeting of minds. Wholesale conversion was merely a beginning of the process of civilizing and Christianizing them. The next job was to train a sufficient number of persons in the various kingdoms so that they themselves could carry on the church's work among their own people, to whom they could speak without suspicion, and whose mentality they would comprehend.

*Feudalism: Order in the Political
and Economic Spheres*

These then were the three main forces that produced the medieval world. From their interaction there gradually developed the most important political, economic, and social institution of that world. This was feudalism, which was a growth out of the political arrangements of the Germanic tribes, the environment in which they settled, certain economic institutions for producing food which came in some places from Rome but elsewhere perhaps grew up on their own, and the ethical teachings of the church with regard to man's duty to man.

On its political side feudalism involved a hierarchy in which lesser nobles owed duties to greater nobles, who in turn owed duties to the king, who finally might owe service to the emperor. But those who were owed duties in turn owed support to the

person below. Nevertheless, because of the comparative isolation of different areas, the local noble was often virtually sovereign, in the sense that, whatever his nominal duty to his overlord, the latter was unable to enforce the obligation and certainly had little influence over what the noble did within his own bailiwick. Further, these nobles were not highly cultivated gentlemen, but at best semi-civilized barbarians, and much of their energy was spent in fighting with one another and against their overlords. Indeed a powerful noble could set up a virtually independent provincial kingdom of his own, and force lesser lords to support him rather than the more distant ruler to whom they owed nominal allegiance. Thus a system intended to promote peace and order, to provide power to those above and defense to the lesser nobility, might instead, through the complications of allegiance, encourage strife.

The manorial system, the system of local agriculture and of social life in the Middle Ages, was itself a part of feudalism. The serf, who had grown out of the Roman and Germanic slave, was indeed not free, but was tied to the land. Yet he too was granted protection, even while he had obligations. His lord was responsible for him, and the arrangement, like that of the feudal hierarchy generally, was one of rights and duties, with the local church watching over their observance as well as administering the sacraments to all alike. Indeed, within this system no one had absolute authority, since even kings and emperor were limited in their sphere and had duties toward God, which the church interpreted.

*The Holy Roman Empire: an
Attempt at Political Unity*

By the eighth century the process of converting the barbarians had already proceeded apace, while the church organization had developed and the papacy had become important as an influence in temporal affairs, largely owing to the work of Gregory the Great at the end of the sixth and the beginning of the seventh centuries. Meanwhile the Mohammedans had penetrated part of Europe, and had been prevented from overrunning it through

their defeat by Charles Martel at the celebrated Battle of Tours. His successor, Pippin, had proved a powerful king, organizing a great Frankish kingdom and receiving the support of the Pope, by whom he was anointed. Thus there developed the idea of kingship, not simply as tribal leadership, but as a religiously sanctioned office, with the duty on the part of the subject to obey the king because one was a Christian. It was, however, the military, political, and administrative genius of Charlemagne that created the Holy Roman Empire and for a time overcame the sectionalism of Europe. That empire was a new political force in Europe, and, while its basis was undoubtedly feudalism, it produced for a time a unity in Europe, arising from the coöperation of church and empire. Yet feudalism, together with the difficulties of communication in medieval Europe, prevented that empire from enduring as an effective force. As the Holy Roman Empire it was indeed to have a nominal existence until Napoleon gave it the *coup de grâce*. For a period it covered most of western Europe, including a considerable part of Italy, and the emperor received nominal allegiance even from kings outside the domains where his forces had actually penetrated.

Though the empire was sanctioned by the church, it was in its course to engender conflicts between the spheres of temporal and spiritual authority. It was in terms of those conflicts that much of the early medieval political thought was developed. The empire, however, after a fairly brief period, was to be a very limited power, and in western Europe the various kingdoms of England, France, Spain, and Portugal achieved genuine independence. Certainly with the end of the Hohenstaufen the strength of the empire was also at an end. It became largely a Germanic institution, though in the fourteenth century there was to be a bitter quarrel between Pope and Emperor which produced some of the leading medieval political thought. Indeed, quite early in the empire's history there developed that struggle over the spheres and functions of authorities which was to be carried on by the kings in their efforts to build up strong national states and to lessen the power of the church within their territories.

While the empire, then, ultimately led to struggles between

church and state, its immediate influence as a supporter of the church had been to make the church the dominant institution in Europe. Certainly, by the tenth century the church was no longer simply an organization building itself and extending its influence in cultures of which it was not an essential element. Rather it had come to permeate the whole life of the community. The church itself was a hierarchy, with the Pope at its head as the ruling force therein, though before the end of the Middle Ages the ancient dispute as to the location of authority within the church was to be renewed. In the individual kingdoms archbishops and bishops exercised very considerable influence. They preached to, and admonished, kings, while at the same time they had a social status as part of the feudal nobility. They were themselves very usually natives of the countries in which they held authority. Yet they also belonged to a supranational unity, which was symbolized and strengthened by Latin, the common tongue of the church and of the learned of the day. Within the parish, on the manor, the local priest was himself a real part of the community and sprang from it. Superior to the villeins, and even to such freemen or sharecroppers as existed, he was nevertheless usually a person of moderate education and had a status lower than that of the nobility. Yet, because he was a functionary of the church, he had authority and was locally responsible for seeing that men lived properly according to Christian teaching.

The system would indeed have been meaningless and unworkable unless men had possessed and professed the Christian faith. The whole society lived as a Christian world, and, though the majority of men were doubtless not intensely religious in spirit—were indeed often pagan and materially minded—they yet shared in the great institution of which they were members. The church did not mean simply the upper clergy, nor yet the learned and cloistered monk, though monasteries, while they were primarily retreats for the pursuit of salvation and the overcoming of sin, themselves in many cases made contributions of real value to the health and wealth of the surrounding people. The church was rather the whole body of Christendom, and it is in terms of the struggle between this accepted unity and the dis-

ruptive forces of kings, nobles, and geographical isolation, that one can understand the political philosophy of the Middle Ages.

It is against this background, then, that we have to investigate medieval political ideas. Certain thinkers have held that, if any break occurred anywhere in political thought, it came, not with Christianity nor with the medieval world, but with Cicero, Seneca, and the Roman lawyers. There appears to be some truth in this, particularly since St. Augustine, whose views we shall investigate in the next chapter, held many ideas in common with Cicero, whose work he quoted so extensively.¹ He is the first great church philosopher, and his central theme is the necessity for overcoming paganism and heresy. In developing a theory justifying Christianity, he laid the foundation for the subsequent thought of the Middle Ages, particularly in the great period beginning with the eleventh century.

Yet the interim, the Dark Ages, was not without its political speculation, and the essential problems of the relations of church and state, which were to occupy men's minds all through the medieval period, emerged quite early. In these centuries there is, however, relatively little systematic political thought. Such political thinking as is produced consists of borrowings and adaptations from Roman theories of the state and the interpretation thereof in terms of Christian ethics on the one hand and the practical situation of the barbarian kingdoms on the other. For several centuries, however, there is relatively little new thought, and the adaptation of old ideas, often not well understood, is to a considerable degree unconscious. Germanic organization does, as we have hinted, introduce certain new elements, though its most important influence consisted in the revival of the doctrine of consent.

The Problems of Medieval Political Speculation

Nevertheless, there were in this period repeated discussions of the authority of the king, of his duty in terms of his function, or the power of the church over him, and of the question of deposition. On the other hand, there was the question of the duty

¹ Ch. V, pp. 144-149, and Ch. VII, pp. 203-208.

of obedience on the part of the subject, and more particularly of the degree to which the church and church officers were bound to obey the secular power in temporal matters. The nature and limitation of slavery and property were also investigated from a variety of viewpoints, and indeed the whole problem of political organization and social justice was fully aired. The later quarrels in terms of jurisdiction and authority between church and empire and church and kingdom had their foundations in this period, as did also the question of the allegiance of subjects to their ruler and the degree of popular limitation on him.

Much of the discussion appears, indeed, somewhat strange to us. First of all, the works of the period, as indeed most learned works until after the Reformation, appear in Latin. Secondly, the events discussed seem unfamiliar, and references to them are often indirect. Thirdly, a great deal of the discussion of the relation of temporal and spiritual powers is carried on in terms of astronomical similes, with the church compared to the sun and the secular power to the moon, or vice versa. Fourthly, there is frequent appeal to the authority of the Fathers and much use of the Bible, which is interpreted in various well-understood, but non-literal, ways. Most fundamental, of course, is the judgment of events in terms of ethical and religious principles, which everyone understood and nominally accepted. Individual occurrences are merely illustrations of fundamental law. They are considered, at least in theory, *sub specie aeternitatis*, from the point of view of everlasting existence and eternal truth. Comment is rarely direct or judgment realistic in our sense of the term.

Yet the problems investigated are essentially similar to modern problems. Authority of all sorts is indeed tested by higher law, the law of God; but later natural law is not totally dissimilar therefrom. The ideas of the seventeenth and eighteenth centuries and the political concepts which, originating in Europe, came over to this country and have continued in its tradition, had their origins in medieval speculation. When we discuss the degree to which the President should, in an emergency, be granted extraordinary powers, and when the Supreme

Court makes decisions on the N. R. A. or A. A. A., it is not done, indeed, in terms of an appeal to the law of God, and far less to the relationship of David and Saul. Yet, when the courts talk of reasonableness and of constitutional limitations as against the desires of administrators and legislators, they are, in fact, applying criteria not essentially dissimilar from those of the medieval world, save that they have no universally accepted authority like the church to whom they may turn. The arguments of the Liberty League are not so unlike those of an opponent of imperial authority in the Middle Ages as we might superficially suppose. Both are appealing to what they consider fundamental principles of an ethical character. Where the latter talks of the laws of God, the former appeals to the sanctity of the Constitution. Fundamentally, discussion for both turns around such concepts as natural law. Today that law is not identified or reconciled with the law of God. Yet that we do talk in these terms is the product of a tradition which, starting with the Roman lawyers, was applied and modified during the early Middle Ages and was, from the tenth century on, developed with extraordinary subtlety as part of a coherent system by medieval thinkers. Now, as then, such concepts are closely connected with a democratic conception of authority and of its limitations, though at that time democratic practice was harder to discover, while the higher law resulted in a denial of any final earthly authority whatsoever.

While the similarity of problems in our own age and in the medieval world is perfectly real, and while there is a genuine continuity in the intellectual tradition, we must not let this blind us to certain important differences, implicit indeed in the above discussion. Since the Reformation there has not been even for Christians a common authority to which they might appeal for decisions as to what is fundamentally right. We cannot, it is true, escape ethical judgments that transcend the facts. Whatever we profess, we do criticize political arrangements in terms of something more than, and different from, pragmatic utility. Yet there is no agreement on criteria, no source to which we all appeal, and no accepted authority to decide on the meaning of any source, even when there chances to be agreement

that it is the proper authority to which to appeal. In the medieval world this was not so. The law of God and the law of nature, which derived from and depended thereon, the whole higher law, in short, were accepted throughout the western Christian world. No earthly authority was sovereign, neither king, nobles, nor people; and even the church's authority was not absolute in our sense, since the church was limited by the law of God, even though it was the interpreter thereof. There was in the church itself a sense of responsibility and function, as well as a corpus of doctrine which prevented personal arbitrariness and the exercise of caprice.

Similarly the quarrels between the secular and spiritual authorities differed from current quarrels between church and state or between other groups and the state. The purpose of life was one and was known. The temporal authority, the state, had its sphere and function, and the spiritual power was in a like position. Both were serving a common end. Their quarrels arose over the precise bounds of each and over the question as to whether the state got its authority mediately through the church or immediately from God. This might lead to grave conflicts, particularly since the motives of both parties were not always pure, were frequently, that is to say, selfish. Then, as now, the different powers could profess noble ideals in the service of base ends. Nevertheless, there is no sense that the state is all-embracing or that the church must give way where its spiritual objectives clash with the search for material well-being. The church insists that material welfare is indeed desirable, but that it is not the sole and highest end of man.

The Significance of Faith

The world with which we have to deal, that is to say, was essentially and fundamentally Christian. It did not possess the scepticism, and certainly not the indifference, concerning final truths so frequently proclaimed in our own world. Its life was not lived mainly in secular terms with a view to earthly well-being. It was essentially a religious and metaphysical age, concerned with the ultimate riddles of the universe as they affected the fate

of the human soul, whose existence was taken for granted. Life was life with a purpose; and that purpose was not two cars in every garage and a chicken in every pot. It was life in a world which in this respect had more in common with the America of the transcendentalists, of Emerson and Thoreau, or with the ethical conviction of Longfellow's Psalm of Life, than with the world envisioned by Whitman and described by Sinclair Lewis.

Because this world was concerned with ultimate values, we must not infer that it was uninterested in man's earthly condition. It did not, indeed, accept an economic interpretation of history or talk in terms of class struggle; but it was humanitarian and social-minded, at least to as great a degree as our present world, while it had a far stronger vision than most men today possess of the interdependence of human beings and of one's duty towards one's neighbor. This remains true despite much current talk of interrelationships between men based on speedy communication and economic interdependence between peoples and sections. Nor is this altered because the sanction was then religious and because men conceived of the performance of their duties as influencing the ultimate fate of their souls. Indeed this concept was likely to give men a more thorough recognition of their obligations and to inspire in them a greater anxiety to carry them out than is often to be found today, when fear of the law too readily leads us to identify our duty with legal limitations insofar as they will probably be enforced, and causes us to admire those who can "get away with it" and to attempt to emulate their behavior.

The Christian world was a world in which men were concerned with their souls. It was also a world in which they were keenly aware of their obligations to their fellows. But above all it was a world in which the combination of these two considerations resulted in the dominant ideal of unity. To contemporary man this term may be misleading. For it too readily suggests the idea of national unity, and particularly the enforced unity of modern dictatorships, with their attempt to subject the individual for ends which may profit him nothing, and in which he does not believe. The medieval concept was rather one of a unity produced by the perfect and harmonious functioning of

all institutional life and by the harmonious interrelation of all of an individual's interests and desires. While authority had great power and while the recalcitrant might be coerced, the ideal was not realized unless and until individuals themselves, inspired thereby, voluntarily and eagerly shaped their lives in terms of the common end, at once social and religious.

That this unity could have been conceived, and even more that it could have been to some extent achieved in practice, appears at first sight somewhat extraordinary when we recognize the contemporary situation. Communications were poor and men lived largely in isolated communities. Trade had not developed as today and there was not that infinite interdependence of specialized industrial, commercial, and agricultural units to which we are accustomed. Men existed largely on self-supporting manors, often unaware of what was happening even ten miles thence. Newspapers and radio were lacking. At the same time life was insecure, war and armed conflicts were frequent, and devastating plagues and famines were a normal incident of the year's life.

First, however, we must recognize that these dislocating and isolating factors, while they might disturb and threaten the practice of unity, increased the prestige of the ideal.

Secondly, just because life was so insecure, the necessity for some restraint on struggle was abundantly obvious. The alternative was collapse, anarchy, and perhaps extermination: the desire for some element of security drove even those most tempted to destroy it for immediate gain to limit their rapine. Feudalism and the church itself jointly imposed codes that all to some degree respected, even in the heat of battle. Again, this should not seem unusual to those who have lived through the New Deal, who in their own days have seen how economic emergency increases the sense of dependence on one's fellows and leads to a willingness to submit, at any rate temporarily, to the restraints of a system of codes. It might further be added that in that day the relative simplicity of life and the fact that men lived on estates where they would be forced to recognize their immediate interdependence, rather than in cities where, at least superficially and unreflectively, they could feel them-

selves discrete particles, enhanced both the desire for outward unity and, since the variety of choices was limited, the internal unity of integrated personality.

Authority, Original Sin, and Potential Goodness

Nevertheless, if unity and security might be the accepted ideals of Christians, authority was necessary to deal with those who were imperfectly social. That authority was exercised by the organized and hierarchical church on the one hand, with its concern for men's spiritual well-being, for the fate of their souls, and by the secular power, by emperor or king, on the other, with the duty of preserving order and seeing that their subjects had the well-being on earth necessary if they were to give due attention to their spiritual needs.

The need for such authority was explained in terms of the Christian doctrine of the Fall, the Biblical story of Eden and of man's first lapse from grace. This doctrine of the Fall worked in rather conveniently with the classical concept of a golden age in the past and of man's subsequent degeneracy. For that reason, if for no other, we frequently contrast medieval with modern life by urging that, whereas the modern world believes in progress and in the goodness of man, the medieval world was backward-looking and was convinced of man's essential corruption. We then infer that it was a static world, unconcerned with the amelioration of man's lot, and that there was inherent in it at least a conservative scepticism about possible reform. Too much can be made of this point. The medieval world was indeed not so deeply concerned as our own with the novel, and in particular with the economically profitable. Yet it is to be noted that our progress has been mainly, if not entirely, in the material sphere. However desirable this may be, it has unfortunately led too easily to an identification of the basis of a culture with the whole of culture.

The medieval man may have suffered from a consciousness of sin, and preoccupation therewith might result in morbidity. First, however, it is well to note that the morbid sense of sin was more emphasized in the early centuries of a Protestantism whose

growth is frequently correlated with the emergence of capitalism. Secondly, the consciousness of sin, when not morbid, may lead to a desire for moral improvement; and in the medieval world it was very likely to do so, since the corollary of this idea was the belief in an after life with rewards and punishments. Today the doctrine of progress, of advance towards a better civilization, is not unconnected with that self-satisfaction which, particularly in America, frequently confuses itself with the democratic ideal in the statement that one man is as good as another, and leads to an attribution to fate, i.e. "the breaks," of the results of one's own faults and follies. Rightly interpreted, the combined doctrines of original sin and of salvation led politically and socially to a recognition of the need for authority to curb anti-social activities, while from the psychological point of view it resulted in a sane awareness of the mixed character and motivation of men.

Not the least of the tasks of authority was to prevent what today we should call overemphasis. The sense of unity is not without its dangers. On the one hand, men inspired by their duty towards their neighbor might become perfectionists and, convinced of the rightness of their panaceas, might crusade to make imperfect human beings perfect overnight. If church authority was convinced of the rightness of its doctrines and was prepared itself to persecute heresies, this very persecution was at times based on a desire for moderation and an objection to extremists. More generally, the church did use her power to restrain those who themselves were willing to persecute in terms of rigid moral conviction. Intolerant the church may seem. Yet not a little of its intolerance was motivated by a kind of tolerance for the average man, *l'homme moyen sensuel*, and a recognition that time was necessary for his redemption and salvation.

Not less dangerous was the desire for internal harmony in the individual. It was the sense of sin and the desire for perfection that played the greater part in the development of monasticism, and it is a superficial and mistaken idea of monasticism that is responsible for a considerable part of our difficulty in understanding the Middle Ages. That men should voluntarily re-

nounce the desires of the flesh is already beyond the comprehension of a sex-ridden age, which indeed, aided by psychoanalysis, expresses its unbelief and indulges in learnedly lascivious interpretations. To this is added the idea that monks and nuns spent their time in selfish contemplation of their sins and in masochistic expiation thereof, while escaping an insecure world and gaining protection. That such motives played their part is no doubt true. But again the authority of the church was employed to curb such excesses. The value of contemplation, of religious and scholarly activity, was not denied; but the monasteries were also made into social service agencies to lessen the harshness of insecurity for the masses and to promote useful economic activities. That is, though authority insisted on the acceptance of one religion and of one purpose in life, it also recognized the variety of expressions of life and endeavored at once to give them scope and to prevent them from conflicting and producing disintegration. The ideal may be less tolerant than the contemporary ideal of each achieving his own salvation by his own means: it at least succeeded in lessening men's ability, in pursuing their own ends, to destroy well-being for their fellows.

*Conflict Over the Scope and Limitations of
the Spiritual and Secular Authorities*

Yet, while there was general agreement on the end of man during the Middle Ages, that did not prevent conflicts or lessen their severity. Indeed in a certain sense one might say that the agreement as to ends rather sharpened the issues and made the struggle keener. Moreover, the Middle Ages covered a very long period. In the beginning the church was, as we have noted, accepted in the Roman Empire and gained the support thereof. At this period it certainly could not, even if it had desired, bite the hand that fed it. And one should recall that, for the sake of its own mission, as well as in terms of its more temporal interests, it was anxious to preserve such order as survived the Roman decline and fall. Subsequently it set its face sternly against anarchic and egalitarian ideas based on hopes of immediate and earthly perfection and stressed the gospel com-

mand to "render unto Caesar the things that are Caesar's." The church was not and never has been overoptimistic as to human nature. The doctrine of the Fall involved a recognition of man's necessary imperfections even as the theory of redemption was posited on the premise that he was capable of triumphing over the evil in him and achieving at least some degree of goodness. The state was necessary to curb men's corrupt nature and to allow the good in him to triumph.

At a later date, during the Dark Ages, the church itself became a strong organization with considerable possessions, and its own servants, including the supreme pontiff, were not excluded from human corruption. Hence the church's stressing of order and its insistence that equality was in the after life rather than a thing to be achieved on earth were not totally unconnected with its own interests, even though it proceeded logically from its philosophy.

Yet through all this period the church was not simply a servant of the prevailing earthly powers. On the contrary, it frequently reproved and punished nobles, kings, and even emperors. These were often ambitious and tyrannical, as well as largely pagan in their outlook. The powers that be were not to be disobeyed by humble men on their own initiative, but the church did insist that it had, not simply a right, but a duty to oppose secular authority if that authority by its actions endangered the essential purposes of the church, either directly or indirectly through destroying or making miserable the laity, who were, as subjects, under the dominion of the ruler.

The early kingdoms, however, as well as the empire, also had their interests to protect, and at times felt that the church was invading their jurisdiction, particularly when the latter insisted that slaves and soldiers become free from their owners and from the state when they entered the church's service. Later, too, similar quarrels arose over the limits of jurisdiction, since the state found that the claim of benefit of clergy, as well as the church's control over appointments to religious offices, that were nevertheless in the feudal system politically important, made it impossible for it effectively to perform the functions that admittedly pertained to it. The weapons used in this struggle were

on the one hand force of a military and police character, and on the other the spiritual weapons of interdict and excommunication. When the empire's effective powers decayed and the church did become the one universal institution of Europe, the spiritual sanctions were on the whole the stronger weapon, since no authority need be on the spot to enforce the church's sanctions, and the applying of the sanction involved the non-performance of church sacraments rather than positive coercion.

By the eleventh and twelfth centuries the church was indeed an organization of tremendous prestige. Inspired by the ideal of harmony, it tended to make extreme claims to supremacy over earthly powers. These were largely admitted; for, despite the church's economic interests, it was still in the main an ethical force directed towards improved moral standards and a higher degree of well-being for those whom it served. Yet it stressed its claim to supremacy most severely when challenged by kings and emperors.

The latter, of course, were not without ambition and asserted their own independence from the church in terms of the theory that their authority derived immediately from God, while the church insisted that they only held their authority mediately. The empire might claim coequal authority with the church, but in its decay it could hardly hope to be effective in terms either of force or of diplomacy. The king was in a more fortunate position, since at least by the fourteenth century a strong sense of nationality was developing and there was a growing resentment against a nominally spiritual organization which was increasingly Italian and increasingly dominated by its temporal interests. As a result thereof, the sense of unity gradually declined, and was ultimately destroyed completely by the Reformation.

The growth of communications and of trade, and in particular the increase in the size and number of towns, aided in the creation of centralized monarchies, since localism and the disorders accompanying it were a bar to the exploitation of the new opportunities. During the earlier medieval period, trade and industry, in so far as they existed, were controlled through the guild system, which imposed a complete code of fair practice for

the commercial world of the time. It was designed to prevent exploitation of dependent workers or of the consuming public, to ensure fine quality goods and fair prices, and to give would-be craftsmen training both in their own and the public's interest. The guild on the one hand carried out the functions performed in a later day by benevolent societies, the predecessors of our present trade unions, and, on the other, it did the work now carried on by Rotarians and chambers of commerce. The whole functioned under the blessing of the church and was avowedly inspired by Christian doctrines as to economic justice. Nevertheless, with the new growth of trade and industry the guilds became aristocratic and new institutions took their place, although in parts of Europe they survived, and even exercised considerable power, down to the middle of the last century. The just wage and the just price, as well as usury, were a hindrance to effective exploitation.

While the medieval world was notably successful in giving to the consumer the protection for which in recent years we have been struggling, hitherto somewhat fruitlessly, and while it had also a corporative system more genuine than that of present day Italy and more adept at reconciling the interests of divergent groups, the selfish drives of men proved difficult to restrain. Even in its heyday the church was forever fighting an uphill battle against shortsighted and anti-social covetousness. In the thirteenth and fourteenth centuries the growth of trade and the increased possibilities of profits, by dispelling the sense of insecurity and decreasing the scarcity of goods previously available, created in men a more materialistic attitude.

*Economic Opportunity and the
Attack on Church Power*

At the same time, as economic opportunity grew, the burghers, as well as many of the landowners, objected with increasing violence to the distraint of their funds for what were more and more regarded as foreign purposes, perhaps with some justice, since the Italian Church was becoming luxurious and living to some extent on exactions from the poor. At the same time,

with the money famine of the later Middle Ages there was a rise in prices. This, when combined with the new economic activities, with the enclosure movements and with the Black Death, led to what was essentially a class struggle and destroyed that sense of function and station on which the quasi-contractual feudal system had rested. The resentment engendered directed itself largely against the church, which preached submission to earthly authority and the duty to accept inequality in this world. It also led to some extraordinary movements of a revolutionary character against various national governments. The former resentment was increased by the spreading abroad of tales of the decay and corruption of the clergy.

As a result, already in the thirteenth century, but very generally in the fourteenth, the demand for reform in the church was voiced. This movement combined with the interests of kings, anxious to be absolute lords of their domains, and aware that the church's authority was a bar to this, not only through its wealth, but also through its control of its own servants. Moreover, kings, concerned more often with national strength than with duty in the Christian sense, were aware of the inconvenience of great power in the church's hands that might be used to support their subjects against them and, as they would have seen it, to blackmail them into compliance with the church's plans. They were not yet, indeed, prepared to break with the church, but they did desire to be able to control it, at least within their own territory, and to have a voice, through churchmen appointed by them, in the government of the hierarchy. All these forces tended therefore to undermine the unity of the previous centuries and to prepare the ground for the Reformation.

This whole development is closely paralleled by political theories, products of pamphleteers and apologists. The church reëmphasized its doctrine that the state, necessary through man's Fall, is purified and ennobled by service to the church. It is admitted, indeed, that the state is supreme in the temporal sphere, while the church controls the spiritual. But, while the two are delimited, the latter is manifestly superior. Hence the church must be the ultimate judge. The power of the state is a gift of the church, held subject to church approval. But, while the

pure apologists of the church as it is advanced this view, by the end of the thirteenth and during the fourteenth century men of religious temper were aware of the imperfection of their own institutions and were influenced, however unconsciously, by the societies in which they lived, societies in which the sense of common national interests was growing stronger than the sense of the unity of Christendom. They stressed the coequality of the claims of church and state and argued that each, holding power indirectly from God, was beyond earthly restraint in its own sphere, though they still emphasized the ultimate limitation on all mundane authority. Manifestly this did not solve the problem of the boundaries between functions.

Indeed, conflicts over that matter still continue today, even though differently stated. Nowadays they arise mainly in terms of individual liberty versus social control. Then they were more directly struggles for the allegiance of subjects and for the control of national resources. From these struggles there ultimately emerged a total separation of spheres, with a resultant consciousness in the individual of a dual allegiance. The immediate step was, of course, to urge church reform, to condemn the unreformed church, a matter made easier with the Avignon Captivity, and to extend the sphere of secular affairs. Nevertheless the sense of a dual allegiance in the individual did arise out of the insoluble conflict. To the monarchy was owed political support, to the church, religious obedience; but, since it was hard to draw the line, conflicts of conscience became more and more frequent.

Ultimately the unity of Christendom was irreparably smashed and the era of the nation-state began. With the age of exploration and with the coming of the Renaissance, the pursuit of material well-being and the sense of individual power leads to an increasing unwillingness to submit to the dictates of authority, however benevolent and noble. For the sake of material well-being, kingly sovereignty in the nation is indeed accepted, particularly when buttressed by mercantilist doctrine. But first the religious conscience, opposed to monarchical absolutism, and then the general discovery that absolute authority may be harmful to the individual, and certainly to the middle class,

result in the emergence of the concept of constitutionalism. That concept, it is true, was first applied in the church, where it was given a federal basis in the interests of the nation-state itself. But gradually it is carried over into the state, where it is applied by religious dissenters from the state-controlled church and by trading groups who find themselves hampered by mercantilist policies. There ultimately emerged again the idea of a popular basis of authority, though in the beginning the people are feared by the interested classes as much as the king is disliked. Hence the immediate argument is for aristocracy. Nevertheless the democratic ideology, latent in European thought since the Caesars, ultimately reëmerged. It is with the various steps in this process and with the doctrines of the chief persons who reflected and furthered them in the realm of theory that the subsequent chapters are concerned.

Bibliographical Note

The latter part of Volume I, and Volumes II-V, of R. W. and A. J. Carlyle's *A History of Medieval Political Theory in the West* contain very thorough treatments of the contents of this and the succeeding chapters. In general, however, they are not for the beginner. But Part III of Volume V contains a simple and readable summary of the chief elements in medieval political thought, while Part I gives accounts of certain special topics and should be useful to the more advanced student. F. W. Maitland's introduction to, and translation of, a chapter of O. von Gierke's great work, under the title *Political Theories of the Middle Ages*, also contains brilliant and scholarly studies of the main concepts of the period and their development. While stimulating, it is not easy, assuming considerable knowledge on the part of the reader.

On the various topics touched on in this chapter, the student will find very good articles in *The Legacy of the Middle Ages*, edited by G. C. Crump and E. F. Jacob. F. M. Powicke's article on *The Christian Life* should help to make the outlook and ideals of the period intelligible. The section on law includes articles on Customary Law, by P. Vinogradoff, on Canon Law, by G. LeBras, and on Roman Law, by E. Meynial. These contain some technical material, but also state admirably the basic principles and significance of the subjects treated. Finally, the article by E. F. Jacob on *Political Thought* is a masterly, though brief, survey and interpretation of the subject. A short and readable account of the in-

fluence of Roman Law is contained in P. Vinogradoff's *Roman Law in Mediæval Europe*, while James Bryce's *The Holy Roman Empire* is a fairly detailed, but quite lively, account of that institution. On the relations of the temporal and spiritual powers, A. L. Smith's *Church and State in the Middle Ages* is useful.

CHAPTER VII

The Hierarchical Doctrine from St. Augustine to St. Thomas Aquinas

IN THE previous chapter we have discussed in a general way the nature of medieval society and the intellectual concepts and practical attitudes that dominated it. We have endeavored there to suggest the main lines of development in thought and practice, and to show how they complemented one another and interacted. Here our task is to examine the ideas held by certain major theorists of the time. Manifestly it would be impossible to analyze in any detail the thought of all those who made contributions over a period of some eight hundred years. Happily, also, this is unnecessary, since during that whole time there were a dominant series of ideas having widespread currency; and, while individual thinkers showed divergencies from the main stream, these were the product either of personal idiosyncrasies or of the necessity for dealing with some particular and immediate issue. Those issues are now happily dead and forgotten save by learned scholars.

Our concern is rather with the broad ideas involved, since they have influenced subsequent thought, while they also reveal the essential differences in ideology between that society and our own. As a final word it may be added that during a period of some five hundred years, and certainly for the earlier part of that period, while there was considerable debate over various political questions, such as the nature and scope of authority, there were few systematic treatises on political philosophy. Rather, thinkers who were forced by contemporary problems to erect some philosophy of politics accepted a more or less loose synthesis of ideas emerging from the Roman and the Christian

tradition, without adding any great elements of novelty to the views held in the fourth century, save perhaps in the discussion of the nature of kingship. Even here they were applying accepted doctrine to a specific situation, rather than evolving new philosophy.

Accordingly we shall start our discussion by taking up the views of St. Augustine, who presented perhaps the first great synthesis of Christian ethical and political ideas of the post-apostolic age and was tremendously influential on the course of subsequent thought, providing the premises for the doctrines of church supremacy in political and social affairs that we must here examine. It is perhaps necessary to warn the reader that in some ways his views are not completely typical and that he stood somewhat apart from the general trend. Yet this lessens neither his inherent importance nor the final scope of his influence.

Having dealt with his ideas, we shall skip abruptly to the eleventh and twelfth centuries, during which period church doctrine received its most magnificent and complete expression, at a time when the society to which it was suited and for which it was designed was already confronting considerable change, change that was ultimately to lead to its destruction. St. Augustine lays the foundations of the medieval political code. St. Thomas Aquinas presents us with a complete and rounded structure, superb and architectonic in scope and thoroughness, with analysis of, and answers to, the various questions, theological, ethical, and sociological, propounded and discussed in the previous centuries.

St. Augustine is, however unwittingly, the prophet of an hierarchical society, providing ideas from which others might infer the desirability, and develop a justification, of papal supremacy. He himself was writing at a time when the church was still largely episcopal and conciliar. Although the basis for papal claims to headship of the church already existed, certain bishoprics other than that of Rome possessed very great power and authority, and the latter was still regarded by many, not as the established head of the church with ultimate authority, but as deserving especial consideration and deference for historical

reasons as the See of Peter. St. Thomas Aquinas, on the other hand, is contemplating a world in which the papacy has already reached its highest degree of influence in temporal affairs and has enjoyed a long experience of deference from, or triumph over, emperors and kings. More importantly, the essential organization of the church itself appears in his time to be definitive. The Bishopric of Rome is beyond question the head of the Catholic Church, with its supremacy acknowledged, though the precise nature and source of its power, then not a central problem, was subsequently to be debated with considerable ardor. Aquinas accordingly writes in a world where unity prevails. Where St. Augustine had had to fight for order, to combat heresy and unbelief, St. Thomas shows the necessity, meaning, and rightness of the accepted ways. By his death, indeed, the combined forces of an aggressive nationalism, a moral crusade, and a re-examination of the bases of church authority are beginning to threaten that unity: the germs of the Conciliar Movement and of a later protestantism were already sapping the health of a seemingly invincible organism.

While the correctness of St. Augustine's theories does not depend on the circumstances of his life and times, the latter do make clear why he should have examined the questions he did. St. Augustine (354-430) was born at Tagaste, in the Roman pro-consulate of Numidia. He was, therefore, a provincial from Africa, and it was with the general problems of Christianity as they presented themselves in North Africa that he was in later life to be concerned as an administrator. His parents were free persons, not of great wealth and distinction, but also not poverty-stricken nor completely without position. His father was pagan, his mother Christian: how far the difference in outlook of the two conditioned his later mental and moral struggles is necessarily a matter of speculation. His mother, however, had him brought up as a Christian, and in his early training he proved a good student. His father, proud thereof, decided to send him to Carthage, but the project was delayed for some time owing to lack of funds.

On his arrival in the great and partly pagan city, St. Augustine, a small-town youth, was seduced alike by the temptations

of the flesh and the stimulus to the intellect the new environment offered. He took a mistress, and had an illegitimate child. He read Cicero, and decided to devote himself to pagan philosophy. Lastly, he joined the Manichaeans, with whom he remained some nine years, and whom he later combated with extraordinary intensity. The Manichaeans were, one should perhaps explain, an eclectic religious group that combined Zoroastrian dualism with elements drawn from Christianity and other creeds. Their teachings held considerable appeal for the intellectuals of the time.

St. Augustine's Life and Times

During his Manichaean period Augustine taught rhetoric, first in his home town, and then in Carthage. In 383, however, he went to Italy, where he continued to teach, and was finally professor at Milan. The period was one of intellectual and moral ferment. At first he gained pleasure from the sceptical worldliness of the Academicians, but before long he found their philosophy unsatisfying, since it offered no convincing answer as to the purpose and meaning of existence. From them he turned to the Neo-Platonists, whose mysticism, if it did not answer all questions, at least was more inspiring to one whose intellectual curiosity and need for spiritual appeasement drove him to seek the meaning of man and the universe. At the same time, a healthy animal, he was not yet prepared to abandon the natural satisfactions of the flesh, though through revulsion he later greatly exaggerated the sinfulness of his having kept a mistress, in the world of his day a fairly normal procedure, at least among pagans.

Neo-platonism itself proved unsatisfactory as a permanent resting place, and in 386, when he was thirty-three, he turned to Christianity, undergoing the not uncommon experience of sudden and complete conversion. He was baptized in the following year. In 388, after a period of study of Christian philosophy, he returned to Tagaste, sold all his possessions, and entered on a life of devotion, asceticism and writing. The works of this period included an exposition and defense of his faith and an

attack on his erstwhile comrades, the Manichaeans. He had no intention of entering the priesthood, but a curious series of events led to a demand for his services there, and he was ordained in 391. Five years later he became Bishop of Hippo, a position he held till his death, being unable to surrender his post even in old age owing to the danger to the church in Africa from heresy and paganism.

Augustine brought to the very difficult tasks of his position as priest and bishop all the energy of the enthusiastic convert. That energy was devoted largely to the suppression of heresy and to the combating of paganism, together with the normal administrative tasks of his diocese. At the time, North Africa, which had been subjected to oriental influences, to Roman imperialism, and to Christian ideas and ways of life, was in a turbulent condition both politically and spiritually. All kinds of sects had sprung up and there was danger that the Christian church would be swamped by its enemies. At the same time the decline of Rome and the final overthrow of that great city by Alaric and his Goths encouraged disorder. That event was also harmful to Christianity, since both in the provinces and in Italy itself large numbers of people, including many of the educated, insisted that Rome would have survived and triumphed had she continued to stand by the ancient and pagan ways instead of accepting the benevolent and, as the critics believed, enervating teachings of Christ. Nor were the problems of the church at the time purely the result either of religious dissent or of opposition by pagans. Certain of the new groups preached more or less radical social theories, challenging such political authority as survived and threatening quite fundamentally the established social institutions, and particularly the property arrangements, of the day.

St. Augustine's primary task, then, was to strengthen the church in Africa, to overcome its enemies, and to preserve the foundations of social order. Yet he did not look at these particular and immediate tasks from the point of view of the mere administrator. On the contrary, he was a man of philosophical disposition who had gone through the various schools and had at length found satisfaction in the Christian philosophy. He

saw that particular sector on which he was fighting as part of a vast front and his particular age as part of a long historical process. While he had abandoned the dualism of the Manichaeans, he envisaged his own time and his own area as part of that great battle between the Christian and the pagan view of life which was the central theme of earthly adventure.

Accordingly he deemed it his duty not simply to fight against heresy and social dissolution in North Africa but also to defend Christianity generally against the attacks of its enemies and to show the rightness of God's ways to man. The pagan tradition and philosophy, for which Varro, the greatest scholar of antiquity, had provided a thorough exposition and defense, was to him anathema. It was necessary to show how Rome had decayed and finally fallen through its own inadequate philosophies and its own superficial ethical teachings.

Since the fall of Rome had followed the acceptance by the Roman Empire of Christianity, it was not unnatural that many should blame the latter: *post hoc ergo propter hoc* is one of the commonest errors in historical interpretation. Yet with the fall of the empire Christianity was the one surviving force that might promote some unity in the world and might limit the spread of barbarism by civilizing the barbarians. To show the error of the pagan argument was therefore of the highest practical importance, and this could best be done, as St. Augustine realized, by placing the particular events of the day in a broad historical setting and by showing that Christian teaching gave meaning and direction to the process of history. In doing this he at the same time gave Christianity a systematic philosophical formulation, interpreting it to some extent in terms of the Platonic ideas that had had on him a deep and lasting influence, even though he had rejected Platonism as of itself an inadequate explanation of man and the universe.

St. Augustine's Philosophy of History

St. Augustine therefore argued that it was not Christianity, but paganism itself that was responsible for the fall of Rome, since paganism had undermined the moral fibre of the great

city. Indeed Christianity had limited the subsequent desolation and had left men with some rock to which they might cling amid the surrounding chaos.

Yet this alone was not enough, for men who had admired Rome and had enjoyed the undeniable benefits of its internal peace and order quite reasonably asked why a God avowedly good and omnipotent should have allowed such evil to take place. St. Augustine did not try to evade the issue. On the contrary, he met his opponents on their own ground. His was no humble apology for Christianity, but an attempt to place the blame for the catastrophe squarely on the shoulders of the unrighteous. He insisted that all things in the world are indeed due to providence and that history is the unfolding of God's inscrutable will. Yet at the same time he did not allow it to be inferred therefrom that men were without responsibility. God's greatness consisted in His leaving to His creatures a full freedom to act, to choose between good and evil, even while He knew in His infinite wisdom what choice they would make.

It should be noted that the general theory that history was the record of God's will became the dominant philosophy of history of the medieval world, a philosophy that was given a new lease on life by Bossuet in the seventeenth century.¹ The emphasis on history as purely Christian history unfortunately resulted in a neglect of the wider history of the world, and was not the least cause of the slow development of the social studies. Yet in a new form that philosophy was to make an appearance in the idealist interpretation of Hegel in the first decades of the nineteenth century,² and through him was to produce an extraordinary flowering of the historical spirit.

The *De Civitate Dei*, *The City of God*, was St. Augustine's proof of his thesis, in which he showed that man's own sin was the cause of all the evil he suffered on earth, though at the same time his miserable earthly existence was preparation for a nobler

¹ A great French preacher and apologist for Christianity of the seventeenth century. His *Universal History* contains essentially a reaffirmation of St. Augustine's central thesis, with additional illustrations drawn from the intervening centuries and with condemnation of the new secularism of Bossuet's time.

² See footnote, Ch. III, p. 37. In his *Philosophy of History* Hegel sees the process of events as a dialectic of ideas, marching towards the absolute, which is perfect reason, or God.

life in eternity. Man's departure from goodness, his Fall, meant suffering and struggle on earth. Yet the drama of earthly existence was a prelude to the everlasting joys of eternity for those who conquered.

Fundamental to his whole position, was his doctrine of liberty. To show that man was responsible without denying that God was omnipotent was not the simplest of tasks, and necessitated the demonstration that the will of man is free. Only on that premise could he be held responsible for sin, for responsibility necessarily involves the capacity to choose. At the same time, if God were truly omnipotent and omniscient, He had to have full knowledge of the choices that individuals would in fact make. The individual's decision produces its inevitable consequences. There is predestination, however, since God knows what those choices will be.

The question then arises, is God good? For goodness presumably implies justice. Augustine has no doubts on this point. It is necessary for God to leave to the individual freedom to decide, in order that he may have an opportunity to become a virtuous person. Unlike Calvin, father of Puritanism, Augustine does not picture God as an arbitrary and irresponsible Hebraic tribal deity.¹ The language in which he states his attitude may seem strange to a modern man, and his doctrine itself may appear unattractive. Yet it is not unfair to say that his theory is one of genuine liberty. He does not favor the idea that goodness consists simply of impotence for evil, or that men must be put in straitjackets lest they do wrong. At the same time he realizes that since men are, through the Fall, sinful and imperfectly social, there is a need for temporal control, lest those who have potentialities for good may be unable to use them effectively in an anarchic world. Hence authority is necessary that order may be insured and that justice may prevail. It is for this reason that the state is to be defended and supported. However different the language, his position is essentially the same as that of the English idealist, T. H. Green (1836-1882), a philosopher whose thought strongly influenced English liberalism from the 'seventies of the last century until the War.

¹ For further discussion of this point, see Ch. XII, pp. 333-335.

In the latter's view, however, the state was not only a means to the good life for those capable of achieving morality; it was also essentially a product of noble and moral aspiration. For Augustine it is far otherwise, being rather the result of the original wickedness of man, of the first sin of Adam, which gave rein to evil impulses and made control necessary. Accordingly it is essentially evil in its origin and reflects the sinfulness of earthly existence. Nevertheless it exists for the creation of order and the securing of justice—for the promotion of the good life.

The City of God and the State

At this point it is necessary to investigate a little more thoroughly St. Augustine's concepts of the City of God, of the City of Earth, and of their relationship. Unfortunately he uses a series of slightly different terms all containing the same antithesis, with the result that his meaning is not always clear. At times he talks of the City of God as though it were simply the internal life of the soul, while the earthly city is the external life of material pleasure and activity. This itself would hardly afford the basis for a political philosophy, unless it were that of Stoic quietism. This particular form of the contrast may be an expression of his own experiences, of his transition from his thoughtless and, in his view, vicious early life to his later concern with the eternal verities.

At other times he talks as though the City of God were the everlasting life enjoyed by those who have won their way to salvation, while the earthly city is the preparation for it in this world with the faithful in a pagan society as its exclusive citizens. This suggests certain comparisons with various Puritans in later New England, who believed that it was the task of God's elect to separate themselves from their unregenerate fellow mortals. Yet again, he seemingly identifies the heavenly city with the whole church, including the church organization and membership as it is on earth, as against the organization of temporal authority with mundane ends. The former was, of course, superior to the latter. It was this last contrast that was to

influence subsequent thinkers and was to result in the theory of supremacy of the spiritual over the temporal power.

Despite these varieties of interpretation, it is clear that the state, resulting from a merely earthly life and having its origin in depravity, has for its purpose the attainment of justice and the overcoming of disorder. The highest justice, and indeed the only true justice, is the Christian way of life. Of this the church is the sole interpreter on earth. Accordingly the civil power of the state becomes good through the service of the church, to which that power in truth belongs, even though, because of its spirituality, it may not exercise it directly. For the church itself is concerned with an ultimate salvation, not with the organization of a temporal order. Accordingly it leaves the making of laws and the securing of the earthly conditions necessary to a good Christian life in the hands of the state. It checks the latter only when, through the making of unjust laws, it fails to fulfill its purpose. These manifestly would not create a suitable environment in which those capable of good choices would be able to make them without let or hindrance. Under this interpretation of St. Augustine, the membership of the two bodies, the temporal and the spiritual, is of course largely the same, although the immediate ends are different. The latter, however, includes within it the unjust and the heretical, and its purpose is largely to restrain their depravity.

The question then arises, how does the state as an earthly organization gain its authority over men? Augustine answers that the state is the protector of property, which indeed, as a right, comes from it; and that it is for this protection that it receives submission. Even the ungodly, criminals apart, have an interest in the preservation of order and the protection of their possessions.

It may also be noted that in the early Christian church there still survived communistic elements and sects that endangered such order as was established. They constituted an antinomian threat to the whole organized fabric of society. Order was vital if the faithful were to flourish, and respect for the temporal authority, as well as the worship of God, had to be inculcated by church teaching. Otherwise a civilization already in ruin

would totally disappear. St. Augustine had to combat the egalitarian opposition to existing property arrangements; and this could most convincingly be done by insisting that, since the state protects men's earthly property, they owe obedience to it. Nevertheless persecution of Christians by government was not so far in the past that men could afford to forget the dangers of tyranny, while the whole corpus of classical theory, with which St. Augustine was familiar, was full of condemnations of arbitrary government without regard for ethical objectives—condemnations made all the stronger when one accepted the Christian view of the meaning of existence. St. Augustine not unexpectedly argued that government gains its claim to respect from its righteousness and that obedience is therefore due to just laws alone. His celebrated sentence, "What is the state but a great robber band, if it be lacking in justice?", reveals both his moral fervor and his agreement with Plato that the state is purposive, not simply a product of force or of convention. While St. Augustine himself was anything but an individualist, this theory unwittingly opened the way for individual resistance; though, with the strengthening of the church's power and the acceptance of its authority as a moral guardian, this danger was greatly lessened.

St. Augustine's concern for order is shown in his treatment of slavery. The slave is a species of property; and therefore, since the state is the guardian and creator of property, the slave may legitimately be treated as a possession and may not urge his claim to freedom and endeavor to upset existing institutions. Slavery is not for St. Augustine, as for Aristotle, a natural institution due to human inequality, but is the result of the Fall and of personal sin. Because the slave is such through his sin, he has a duty to submit to his owner. This, of course, was a useful theory for the later church, which needed the support of the temporal power; while already at the time it facilitated the support of Christianity by the rich, who were unwilling to make sacrifices of earthly well-being in terms of everlasting life. One must, however, remember that slavery was generally accepted in the ancient world as a defensible, and even useful, institution. The slave, however, was a person with a soul and, by living a

godly life in the situation in which he found himself, might attain, as well as the rich man, to eternal salvation. Thus St. Augustine stresses the New Testament doctrine of goodness as the fulfillment of function in that state of life unto which it has pleased God to call one—a doctrine that was to play an important part in medieval theory and social organization. At the same time, the hope of eternity becomes a powerful motive for accepting inequality on earth.

St. Augustine's Views on Peace and War

St. Augustine's general concern for order made him, not unnaturally, a supporter of peace. Yet he recognizes that, in an empire that has lost its power, various groups may be tempted to rise against what authority remains; while he also sees in the development of heresies a danger to the unifying possibilities of Christianity. Heretical groups, if they do not positively fight against true Christianity, nevertheless by their example tend to draw away good Christians, particularly through the interpretation of the gospels as an immediate promise for an earthly society. Toleration, and the attempt to make sincere Christians by conversion and reasoning rather than by force, is no doubt desirable, but against organized error this is not always possible; and, while persecution may not convert, it may nevertheless remove an infectious disease and thus help to save those already Christians. Thus wars may be made for the sake of protecting the social order against destruction, while the civil arm of the state may be used in punitive expeditions against heretical sects, whose own aggressiveness creates positive danger to the survival or safety of true Christians.

St. Augustine, then, justifies wars of certain kinds for the very sake of peace. He makes, however, an important distinction between just and unjust wars, a distinction that was to have serious consequences at a later time. He has no sympathy with what we should today call imperialistic wars; but he feels that wars are just when their object is to repel attacks on law. The unjust state, which is in truth no state, may not be allowed to attack with impunity states that are striving to create conditions

suitable to the good life; while rebels against social order and political constraint may be forcefully suppressed. The end in view is always peace and social harmony on earth, not for itself, but that higher ends may be served. War may become necessary to prevent disorder, arising from unrighteous resistance to just laws. St. Augustine is at once a churchman and a Roman, and he desires to support authority that the celebrated *Pax Romana* may not totally disappear.

Unity in the secular field is his major concern, not only for itself, but because he fears that the communistic and anarchic spirit so widespread in the early church may lead to its disintegration through the development and diffusion of heresies propounded by different groups of Gnostics, groups whose theories were as much social as religious and theological. In Northern Africa, particularly, these groups had attained considerable strength, and the later years of St. Augustine's life were largely spent in denouncing their ways and rebutting their theories. Particularly he found himself having great difficulty in overcoming the group known as Donatists. It was this practical experience that led him to modify his attitude towards persecution. In his earlier days he had emphatically believed that persecution was an evil and that the state might exercise its influence only to persuade heretics and pagans to return to the fold or to become converts. As an administrator he soon learned that men might be stubborn. Eager to bring about unity, he sought for the simplest method thereto, concerning himself, as administrators are apt to do, more with the attainment of an end than with the rightness of procedure. Afraid that anarchy would supervene before persuasion could succeed, he was prepared to treat opponents merely as means. He well knew that the success of this method was solely outward, and that those who submitted through fear would not undergo a real change of heart. Nevertheless, living in a warlike age, he realized the dangers of war, and, like Grotius at a later date,¹ he was concerned to limit its conditions. Never to use force might promote anarchy, but so might its misuse. His attitude was, however, fundamentally

¹ On Grotius, see Ch. XVI, pp. 429-441, where the comparison is further developed.

humanitarian, as is shown by his insistence that, even when it is necessary to deal forcefully with heretics, it is totally unjustifiable to torture them in the hope of making converts or of inducing a formal confession of error.

Unfortunately the mere admission that war might be used on behalf of the true faith laid a foundation for the support of war by the later church against heretics. In terms thereof the Crusade against the Albigenses, as well as the Crusades against the Mohammedans, could be justified by the church authorities; while the Inquisition, forgetting his limitation on the use of force, could allow the torture of heretics for the good of their souls. More generally, the essential pacifism of Christianity was forced into the background, and the papacy could without inconsistency give its moral aid to participants in earthly struggles.

Nevertheless, it is well to remember that until St. Augustine's time there had been little, if any, attempt to classify wars, and his condemnation of certain types of war as unjust was no less significant than his defense of others as just. Then and later interested parties might attempt to show that proposed wars fell into the latter category, but the growth of the idea that war needed justification and the establishment of criteria of judgment were of themselves important. After the Reformation in particular this whole question became vital; and St. Augustine's theory was then developed and reapplied by Protestants like Grotius as well as by Catholics.¹

The Use of St. Augustine by the Medieval Church

The influence of St. Augustine was to result in theories of church supremacy over the state. For, if he was concerned with secular order, he always insisted that it was simply a precondition to the successful struggle for salvation; and at a later date the church could readily hold itself the interpreter of the requirements for goodness, claiming to be the earthly part of the *civitas dei*. Gregory the Great and Innocent III were to succeed in enforcing the policy of the supremacy of the spiritual power, while St. Thomas Aquinas gave it a philosophic basis. It has become essentially the theory of the Catholic Church ever since;

¹For the views of the latter on this subject, see Ch. XV.

and the inferences made therefrom are exemplified in the various controversies between that church and modern states, particularly in the sphere of education. Recent troubles in Mexico are a commentary on these ideas, while the struggle between Hitler and the Catholic Church is perhaps their most forceful modern illustration.

The church does not argue that the state has no appropriate sphere, nor yet that the church should directly control political affairs: it simply argues that there is also a spiritual sphere beyond the competence of the state. If the latter oversteps its bounds, the church may interfere, using such powers as it at the time possesses. Nevertheless, the position has always been a difficult one. While on the one hand there is the doctrine that the state must indirectly serve, or at least must not thwart, a moral and religious purpose, on the other there is a presumption in favor of order and a fear of anarchy, should active and revolutionary resistance to any established government take place. The problem has, of course, presented itself in this way chiefly since the Reformation. On the whole, the church has solved this dilemma in terms of expediency rather than by a rigid application of principle. Whatever the ultimate implications of Augustine's teaching, the Western World was for the next thousand years or more professedly united in its religious belief, and the scope of controversy was therefore limited. All agreed that heretics and infidels were proper subjects for attack when their behavior threatened the safety of Christians, whether through destruction or oppression; though there was considerable disagreement as to whether infidels should be crusaded against and whether conversion by the sword was either possible or desirable. Within Europe itself the latter problem was of minor significance, since, apart from Spain during the Moorish occupation, there existed no established government which did not accept the church's teaching. Argument was mainly confined to discussions of whether the temporal powers received authority immediately from God or only mediately through the church. The church argued that its superior moral purposes gave it a right to control the use of the state's power, while secular authorities could claim that an independence of founda-

tion led to an independence of authority. St. Augustine might give some aid and comfort to both, since the essential problem involved, then as later, was at what precise point the secular did influence the spiritual. Augustine's theory was, however, most useful to the advocates of church supremacy, and it was in the Hildebrandine papacy that it received its clearest theoretical and institutional expression.

What was the theory of the church in the time of Gregory VII? First of all, it was argued that the church, being independent of the state and superior to it in objective, should have a special code of its own with which the state might not interfere. Although this had been generally accepted as just in the past, now new forces were at work and the position of the church was challenged. Nations were already beginning to organize and to desire a control of their own affairs, as is shown clearly in English history of the time. On the other hand, the church had a numerous body of members and servants and had, through the gratitude of kings, acquired tremendous property. The questions raised were: should the church be able to drain the wealth of a country for its own ends; should benefit of clergy prevent the adequate establishment of the king's justice; should the church freely appoint bishops and other clergy without consultation or consent of the king? It was on this latter, the investiture controversy, that the main battle was immediately fought. The problem of property was to replace it as the chief issue on the eve of the Reformation. The church was not simply claiming independence and a superior moral position. It went further and held that, in view of its higher ends, the ends of all Christendom, it must control the state lest the state create rules harmful to the earthly pursuit of heavenly ends. This control involved the right to release subjects from their allegiance to the prince, and even to encourage them to overthrow him should he be heretical or rebellious. Also, of course, the church could denounce the evil ways of princes and call upon them to change their policies and attitudes.

The Popes of the time, and certain apologists on their behalf, held the state to be the church's servant on earth, executing its decisions and respecting its commands. St. Bernard of Clair-

vaux continuously preached this doctrine, and fearlessly denounced kings and princes for their evil ways. Interdict and excommunication were the ultimate weapons; but Manegold of Lautenbach (circa 1060—beginning of twelfth century) in his *Ad Geberhardum Liber* (1084?) supplemented these powers with a contractual theory of state authority, a theory implicit also in Aquinas, by which a king ruled through a contract with his people, not as an arbitrary despot without obligations. If he became tyrannical, he ceased to be king, having broken the contract; but, since the people were Christians, subject to the orders of the church, it was ultimately for the latter to decide whether the contract had been broken. Thus papal and popular sovereignty were curiously combined, and the church in its struggles with the state laid the basis for democratic theories which at a later date were used against itself.

Lest this whole controversy may seem of little importance in terms of modern life, it is necessary to point out that, while the church was preventing the emergence of the criterion of purely secular and earthly welfare, of crass materialism without regard to spiritual values, as the test of the state and was insisting that government was valuable only as creating conditions helpful in the struggle for salvation, it was also endeavoring to preserve a unity that has since disappeared. That disappearance has led to a continuous anarchy in which the normalcy of peace has been at times almost forgotten. Moreover the church's insistence that the state had a moral objective, even though morality was not conceived of purely in terms of social expediency, preserved and transferred to modern Europe the concept of the state as an ethical association and counteracted the concept of a legal imperialism based purely on power. It may have made more difficult the establishing of kingly authority, but at least it insured that when the nation-state did triumph, its philosophy of *Realpolitik* should never go completely unchallenged. Although, following the Reformation, the divine right idea gained widespread acceptance as the necessary immediate basis for a new order, the theory of power as a trust was at most in temporary abeyance. In a world become secular that theory led finally to doctrines of popular rights, to revolution, and to democracy.

*John of Salisbury: Medieval Sociology
and the Higher Law*

How this came to be is seen most readily when we examine the work of the theorists of papal supremacy. Perhaps the leading political thinker of the twelfth century was John of Salisbury (1115²—1180). He was an Englishman, and his thought reveals the influence of peculiarly English conditions. His labors were, however, largely devoted to wider affairs of the church, while he had received the usual scholastic training. He had studied in Paris under Abélard as well as at Chartres. Thereafter he spent a decade between the papal court and Canterbury, where he served Archbishop Theobald. His devotion to the church viewpoint lost him certain offices he had held from Henry II, whose long quarrel with the church had already begun. After the Council of Clarendon, indeed, Salisbury found it advisable to leave England. He went to Rheims, and devoted himself to scholarly activities. Yet he was still concerned with English issues and church interests. He tried for the sake of peace to patch up the quarrel between Henry and Thomas à Becket, but without success. He was back in England, and actually in Becket's company, when the latter was murdered by the king's friends. In 1176, however, he became Bishop of Chartres, a position he kept till his death four years later.

Salisbury proved one of the leading philosophers of church supremacy, the more influential since, while he was a capable controversialist, he had a thorough understanding of the social realities of the time that gave weight and meaning to his abstract arguments. His great work, the *Policraticus* (1159), the *Statesman's Book*, embodied not simply a political but also a social philosophy, even though his illustrations came mainly from the past. His prime purpose may have been to discuss the relations of ruler and people and to support the claims of the church as the highest earthly authority; yet much of the work is concerned with the best social organization for earthly welfare, and analyzes the practical problems of administration of the time. Salisbury has a keen awareness of the importance of well-being in our own sense of the term and a recognition that the ordinary

man, with a day-to-day experience that is not always comfortable, needs good government to improve his condition.

Much, then, of his work is sociological in character. Yet this treatment emanates from Salisbury's sense that the statesman is answerable for the salvation of the people under his control and that it is accordingly necessary for him to concern himself with more than the mere preservation of order. He has a responsibility for his people, and, while that responsibility is ultimately concerned with their moral welfare, it expresses itself immediately in the search for positive social well-being. The church may care for souls, and it is no doubt the prince's duty never so to act as to conflict with this highest end. Yet the task of guiding men's souls is difficult of accomplishment when their bodies are totally miserable. The prince is not given authority that he may rule for his own ends. Nor is it enough that he should consider his work done when the policing of the land is efficient and opposition to him by feudal lords has been overcome. God has entrusted him with power that he may be the shepherd of His people. The ruler is subject to God and must ever keep in mind his stewardship; but, because the church is God's representative on earth, the prince derives his authority via the church, and so owes to it the duty of submission.

Authority, being given by God for a purpose, is manifestly subject to limitations. God does not create rulers to be tyrants over their subjects, nor yet to lead them into ways of unrighteousness. He bestows power on the ruler for the use of the people of the church, for the creation of a positive order designed to serve the ends of salvation. The king or prince, then, has the duty to create what we today should call a positive state. This manifestly must involve the making of rules and regulations and the enforcement thereof. Nevertheless the king is not sovereign. His function requires that he should have the right to make laws, but law in this sense is not an act of will; and certainly the regulations so made are not simply what is pleasing to the prince or most suitable in terms of his exclusive ambitions and interests. Freedom to regulate is limited by the obligation to apply known principles which, coming from God, are rules of unquestionable validity. It does not

justify the establishment of new norms. In any state there are particular circumstances, and it is manifestly impossible to cover these in detail by general rules. Nevertheless the general rules exist, and the king's function is to deduce from them the appropriate detailed regulation to meet the special needs of the society over which he is set.

Fundamentally there is a higher law above the ruler, a law which embodies ultimate moral values and has as its end justice on earth. The prince has full authority to apply this in terms of the needs of his people's situation. He has no authority whatsoever to depart from it or to create principles of his own. Power is a trust, and a trust is always limited by the conditions under which it is created. Behind the ruler lies society, a congeries of individuals, organized, with a life of its own. The prince is the directing brain of that organization, and it is his concern to see that it flourishes. It can flourish only when its life is founded on ethical rules given and sanctioned by God. Government, departing from those rules, is necessarily destructive of its welfare. Society is not simply an organization: it is an organism with all its parts integrated. The organism cannot live if any of its parts are ill or if any of them are destroyed. Above all, disease in its brain, which directs the whole, is ruinous to it. But the prince is the brain; and when he departs from justice, from the higher law, it is as though he were diseased.

The theory of society as an organism was a novel one in Salisbury's day, at least as far as the expressed thought of the period was concerned, though the tacit acceptance of the idea was basic to medieval society. In the post-reformation world the concept was for a time to be lost. Sovereignty replaced higher law, while an analytical and mechanistic approach destroyed the sense of the life-and-blood integration and continuity of states. The conservatism of Burke¹ in the eighteenth century was to re-emphasize this idea; but it was finally the work of Darwin and the spread of the concept of evolution that were for a time to give a new scientific respectability to the organismic idea and to lead to a renewed insistence that social life was something more than atomic. Long before the eighteenth century, however, higher

¹ See Ch. XXIV.

law, losing its theological and religious emphasis and content, was to get translated into moral law and was to lead, when combined with the twin doctrines of natural rights and social contract, to the concept of constitutional democratic government.

At the time the chief inference drawn from this doctrine, which, if best expressed by Salisbury, was nevertheless the normal medieval doctrine of law, was that the rules made by princes must conform with the commands of the church. Should they fail to do so, or should the king use his power merely for his own end or become heretical, he ceased to be a king and was simply a tyrant. The allegiance of his subjects was then at an end and he could be deposed. Salisbury himself indeed goes further and holds that it is, not simply justifiable, but meritorious to assassinate such a ruler. He is one of the earliest defenders in post-classical times of tyrannicide, a doctrine which, although officially disavowed by the church, was to have considerable importance at a later date. It was taken over by the Jesuits and played an important part particularly in the theories of Mariana,¹ while it also led to the murder of Henri IV. John of Salisbury himself, with a rather nice Christian conscience, qualifies it in one respect; the tyrant is not to be removed by seasoning his food or drink with poison. For then he would be committing suicide, which condemns one to hell rather than to purgatory, taking away all hope for one's ultimate salvation. Even the tyrant is not to be deprived of the chance of God's mercy and of everlasting life.

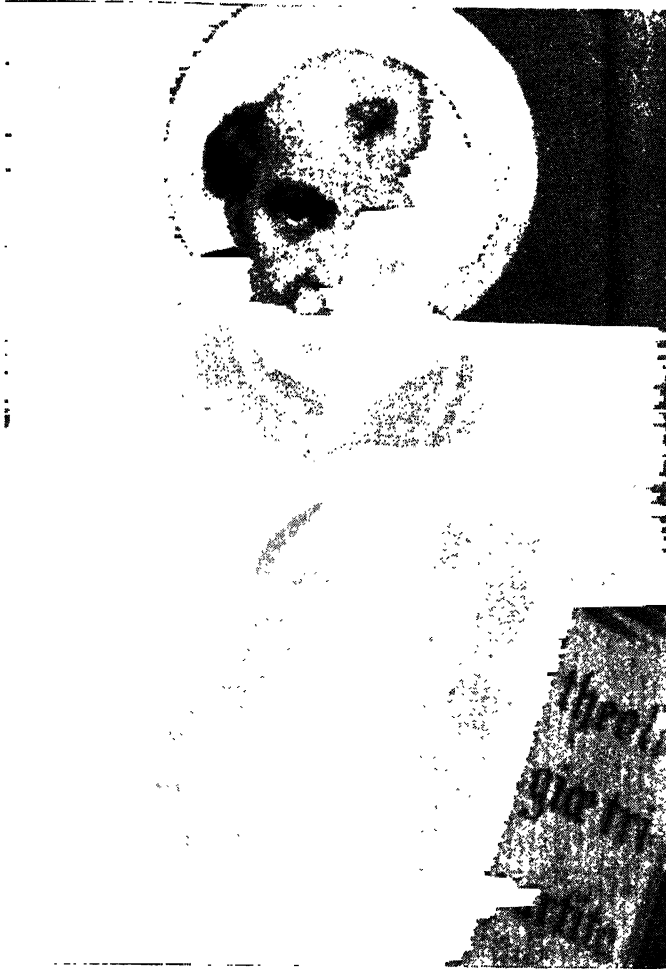
It should be noted that the idea that tyrannicide was valuable assumed that monarchs were personally responsible for government, and that to get rid of a tyrant at least offered some real chance of improving conditions. Today monarchs and formal chief executives are of less significance, while dictators, prime ministers, and American presidents, though often very powerful, are generally assumed to reflect the spirit of the times and to arise out of specific social conditions. They are conceived to be the product of social forces greater than themselves and independent of their lives. Hence the idea that tyrannicide would be a suitable method of destroying dictatorships is generally rejected

¹ See Ch. XV, p. 403.

by responsible persons, and assassins are considered maniacs. Whether we have not underestimated the importance of individual rulers is, however, a moot question; while whether the prevalence of dictatorship may not lead to a recrudescence of these ideas also remains to be seen. Certainly, whatever our judgment of the particular act, it does seem that the assassination of Huey Long, if it did not destroy the organization he headed in Louisiana, at any rate changed its ethos. It may also be noted that informed commentators have questioned whether the Fascist regime in Italy could continue to function were Mussolini removed.

St. Thomas Aquinas: Life and Writings

Greatest of all the medieval philosophers was St. Thomas Aquinas (1227-1274), the angelic doctor. He was born in Calabria, and came of distinguished parents, his father being Count of Aquino and his mother Countess of Teano. Through them he was related to many of the crowned heads of Europe. At the age of five he went to study under the Benedictine monks at Monte Cassino, and when he was about ten he entered the University of Naples. As a young student he seems to have been somewhat quiet and thoughtful, thereby leading certain fellow students totally to misjudge his capacities. Indeed, the story has it that at one time he was known as "the dumb ox." Some years later he joined the Dominicans, though his family disapproved and he was actually held captive in a fortress by his brothers for a couple of years with a view to dissuading him. The Order sent him to Paris, and then to Cologne, to carry on his studies; and he there had the good fortune to sit at the feet of Albertus Magnus, one of the greatest teachers and thinkers of the day. Before 1250, when he entered the priesthood, he had himself begun to teach at Cologne. In 1251 he went to Paris to lecture there and some years later he was teaching in Bologna. In 1257 he received his Doctorate in Theology. Thenceforth his life was devoted to writing and teaching. He died, while still a comparatively young man, on his way to attend a council summoned by Gregory X to meet at Lyons.



St. Thomas Aquinas

His output had, however, been tremendous. As one of the Hounds of the Lord, he had made it his task in life to combat error by working out a complete philosophical system in which the whole universe was shown in its relation to the Almighty, and in this he was extraordinarily successful. He had also found time to write several works of a more special character dealing with the particular issues of the day. Like John of Salisbury, Aquinas was concerned practically with the long-lived investiture controversy, though his political philosophy was much more a part of a general system than an attempt to defend the papal position in a specific issue. The *Summa Theologica*, in which he accomplished his tremendous and difficult task of showing the unity of all things in the service of a common purpose, naturally contains some political ideas. But these are in some sort incidental, and certainly are not, save for his discussion of the nature and kinds of law, a central part of the work. Unfortunately his early death prevented the completion of the political treatise he had planned. This work, the *De Regimine Principum, Concerning the Rule of Princes*, was probably intended, like so many other political essays, for the education of a prince, in this case, the ruler of Cyprus. It was completed through the work of one of his disciples, Ptolemy of Lucca, in the years following his death, while another of them, Aegidius Romanus, wrote a similar work further expanding Thomistic ideas. Political ideas were also contained in other pamphlets and letters which Aquinas wrote. Hence, though we lack a complete systematic treatise on politics by his hand, we have enough material to know what he thought about the state, particularly since we have evidence that his disciples knew his ideas well and followed them closely.

*Aquinas's Political Philosophy:
Aristotle and Christian Ethics*

In politics, as in philosophy generally, the great influence on Aquinas's thought was, of course, Aristotle, whose doctrines he reconciles and synthesizes with the Christian view of life. In so doing he introduced a new element into Christian thought,

even if he was at the same time bringing to its culmination in a system the earlier doctrine that provided the premises for papal supremacy. While he generally supported papal claims, though frequently critical of particular acts of the Pope, he nevertheless departed from the Augustinian view of the state as an artificial creation made necessary by the evil nature of man and by his Fall. To him the state was not a product of sin: it was rather the natural result of the social nature of men. This was Aristotle's teaching, and Aquinas modifies it, not in terms of origins, but of ends. For Aristotle the state, a natural growth, achieved its purpose by creating the good life, defined in secular, if ethical, terms; Aquinas identifies the good life with the Christian life and sees as the highest objective of the state the promotion of salvation. Thus he is able to support the church's claims without reducing the state to a negative authority to keep order and to prevent men's lusts from resulting in anarchy.

✓ More importantly, he is able to conceive of the state as an organ of positive welfare with a mission of social service, a view singularly like that of the present day. The change is of basic importance, since, while St. Thomas no less than St. Augustine believed in original sin, he emphasized the concept of man as endowed with social potentialities and a personality to be realized rather than the idea that it was vitally necessary to limit his functioning lest he do irreparable harm. Instead of men being creatures who may not be allowed any voice in determining their fate, since their impulses are evil, we get the concept of men as naturally coöperative and capable of good, so that to grant them power is to promote welfare, not to invite destruction. The two concepts, ultimately incompatible, continued into the modern world; and the Reformation, though it had individualistic and democratic implications, nevertheless through Calvin reintroduced, in a yet more rigid, and intolerable, form, the doctrine of depravity born of St. Augustine. That doctrine, it should be noted, became the basis of a theocratic government in New England¹; and it was only after a century and more that it was finally replaced, on the eve of the Revolution, by the democratic idea and the theory of man as a social animal.

¹ See Ch. XX.

This change in emphasis permeates the whole of Aquinas's thought. Though his state has to function in terms of limiting ethical principles, he nevertheless leaves to the ruler a very considerable latitude in interpreting and applying those principles. This is seen clearly in his theory of law. While he insists that law is the command of reason, that reason must be directed to the common good. Further, the ruler or rulers, those responsible for the well-being of the community, are the promulgators thereof. Thus law, though derived from universal principles of right, depends for its effectiveness on its being published and enforced by a particular government of a country, and contains in it an element of will, on the part of the ruler, as well as of reason.

In dealing with John of Salisbury we have pointed out how law was conceived of by him, as by most medieval men, as the universal principles dictated by natural reason, which came from God. Positive law was at most a deduction therefrom. In our modern world, on the other hand, law is more generally regarded as essentially positive law, what is commanded by the sovereign, and the ethical rightness of that command has nothing to do with its legality. Aquinas stands midway between the two concepts and insists that, while what we should call statute law is illegal when *against* the law of right reason and contrary to the well-being of a community, yet nevertheless there is a positive legislative function and that law is something *more than* the mere dictate of right reason. It requires also promulgation in specific form by the ruler and enforcement of his will.

Aquinas does indeed divide law into several kinds. First comes the eternal law, which is the whole plan of the universe, the laws of nature as they exist in the mind of God, who Himself created them by an act of will. He distinguishes this law from divine law, which is the law laid down in the Bible, in the Old and New Testaments. While these two forms of law have indirect social implications, they are not directly political. More important for our purpose is a third branch of law, natural law, the basic rules of good and evil which man discovers through his reason. As a reasonable being he shares imperfectly God's nature, and interprets the eternal law. But this natural law is

not of itself a complete and adequate code of legislation for individual societies; and human law, the last branch of law, is the further application of natural law through a use of reason to the actual conditions of *any one* society. This law is not simply what anyone thinks good for a society, but rather what the community as a whole, or the particular person charged with its well-being, decides. It does need a sanction attached to it, and this can only be applied by public authority.

Moreover, the natural law itself, from which positive law is a deduction, is not regarded by St. Thomas Aquinas as unchangeable and predetermined in its content. It may be added to as changing conditions make new principles necessary if human welfare is to be attained. Thus, while true positive law must be consonant with the principles of natural law, it may vary a great deal from period to period and from society to society. Aquinas, no less than Montesquieu later,¹ possesses a clear understanding of the relativity of human affairs, even though he also believes that all human existence has one ultimate purpose. To be true law, a statute has to be just. Yet law itself may create and destroy rights as circumstances change.

From discussing law, Aquinas turns to discussing forms of government, and here again he follows the Aristotelian pattern. Perhaps the first point worthy of notice in this connection is that Aquinas insists that the evolution of the state does not end, as it had ended for the Greek philosopher, when the city-state is reached. He is aware of the existence of wider units, as the Greeks had not been, and sees clearly the emergence of the nation-state. But it is interesting to note that he does not conceive of the nation as an authority that swallows the lesser units. Rather he talks of the province made up of a federation of city-states that still retain some powers of their own. We may note that this is one of the first recognitions of the federal principle in political thought. The city-state, it is to be remembered, had continued to have a civic life within the confines of the Roman empire until the Middle Ages; and Aquinas may perhaps have desired a return to some such system. It is certain that in Italy the growth of independent city-states was already preparing the

¹ See Ch. XXI, pp. 589-594.

way for that anarchy which continued to be a characteristic feature of Italian life right down to the middle of the nineteenth century. Not impossibly Aquinas saw the danger, and tried to solve it without destroying the value of civic institutions. The attempt was not made, and we later find Machiavelli insisting that only a strong hand can impose any unity in Italy.¹ By his time, however, the habit of internecine strife had become so deeply ingrained that a federal idea was impracticable, while unfortunately no sufficiently strong person was at hand to carry out his own solution.

Aquinas, like Aristotle, divides governments into monarchy, aristocracy, and democracy with their perversions. But, while agreeing with the latter that the worst of all governments is tyranny, he believes that tyranny is more likely to arise from the faction and disorder of democracy than from the perversion of kingly rule. Accordingly he on the whole favors kingship as the best form of government, supporting it with the positive argument that it exhibits a more unified purpose and will than any other form, and therefore is best designed to preserve the unity of society, which, being synonymous with peace, is the highest social good. Here again we may perhaps note Aquinas's recognition of the growing nation. His theory, while not fully worked out, already suggests that doctrine of monarchical sovereignty which is to come to fruition with Bodin.²

As a minor matter, it is perhaps worth remarking that Aquinas differs from John of Salisbury as to the rightness of tyrannicide. This is intelligible, since his supreme objective is social order, and, unlike Salisbury, he believes that this is attained by the ruler's positive law with a sanction attached. The argument he employs is not uninteresting. He admits that, were a ruler really a tyrant, and were we certain that his slayer would be a good and moral man, tyrannicide might be defensible. But he fears that those who have grudges against kings, and are prepared to kill them in terms of such feeling, are usually wicked men; and that, if one admits the right to kill tyrants, there will be opened too wide a pathway for the assassination of good rulers

¹ See Ch. X.

² See Ch. XIV.

by those who call them tyrants from personal and wicked motives.

While Aquinas believes monarchy the best form of government and condemns tyrannicide, he nevertheless holds that power is a trust, and that the people are the ultimate judges as to whether the ruler abides by the terms of his trust. It may be generally desirable to bear with a tyrant, if he exists, for fear of disorder; and it is foolish, as well as evil, for the individual to resist him. Nevertheless he sympathizes with the view that magistrates are justified in leading the people against their ruler in such a situation. Yet there is always a danger that resistance may become a habit. Therefore it should take place only when a quite fundamental principle is involved and when the issue is perfectly clear. The best defense against tyranny exists, not in rebellion when a monarch has been created, but in seeing that good men are made monarchs. Aquinas believes that hereditary monarchy, if it makes the succession simple, is nevertheless not an ideal form, since there is no popular control over the monarch. Monarchs should exist by election, thus giving power to the people and making them the ultimate arbiters of their own fate. Aquinas therefore does not support the doctrine of the divine right of kings, but insists, not simply on their social duties, but on their popular origin. While he believes that monarchy is the best form of government, Aquinas is nevertheless not a dogmatist. He admits that the most desirable form is that most suited to the time and place, and he has much to say in favor of Aristotle's polity, or mixed form of government. In this the masses have a share, while at the same time ignorance does not become dominant. Everyone has a lively interest in government, so that a tyrant has difficulty in establishing himself. Moreover, because everyone has some share in government, conflicts due to exclusion from power are unlikely to arise.

Aquinas's Concept of the Social Welfare State

Nor does Aquinas end his analysis with a discussion of the forms of government. He is no less concerned with the func-

tions it ought to perform, and these go far beyond the mere making of law. Broadly it may be said that, while the struggle for salvation is the final purpose of existence, Aquinas sees full well that the good earthly life, the social life, has a material basis, and that the function of the state is not confined to securing a merely formal order. Government has to enter the economic sphere. It must control commerce and prevent unjust and excessive profits. Aquinas shares the general medieval ideas about economic justice, and feels that the state must enforce the just wage and the just price. Yet it must also positively promote the wealth of its people, while it has the duty to see that the poor are properly protected and taken care of. Aquinas is perhaps the first advocate of social legislation as a main function of the state. The reasons why the prince should look after the poor might seem peculiar to moderns, since the emphasis is on his laying up store in Heaven by such behavior. Yet, while the appeal was thus to his selfish interest, and was therefore realistic, it arose from a social conscience. Certainly this was a new attitude towards state power, and one which has been fully developed only in our own time.

Aquinas further urges that it is the duty of the king to provide a sound coinage for his realm and a system of weights and measures. Today we take these things for granted. Yet the social importance of such principles was considerable, particularly in an age when debasement of the currency was usual; and a host of competing currencies, as well as conflicting weights and measures, were a hindrance to the development of commerce. Aquinas, concerned with the preservation of Christian unity, is nevertheless aware of the political significance of the nation, and vaguely anticipates those mercantilist doctrines which were to be developed in the post-Renaissance world.

As to the relation of church and state, he accepts fully the hierarchical viewpoint. The state is no doubt an independent organization: it must nevertheless submit to the church in view of the church's end. The functions of the two, however, remain separate. The church is concerned with the salvation of the individual soul, which lies outside the sphere of the state, while the state is concerned with earthly welfare as a basis for

individual good. The state's law is necessarily external, since the state can only control men's outward behavior and their relations with one another. The ruler in making laws cannot deal with men's higher ends, which are internal. Hence there are limits on the legislative power.

While this argument was at the time used to exalt the church, in the spiritual sphere the sole responsible body, it should be noted that it has implications for our own day. The eagerness of legislators to make men good by law and to impose their own moral convictions often leads to forgetfulness of the limits of legal action and to an attempt to control private behavior even when it has no obvious social implication. Aquinas, of course, assumed that the church, interpreter on earth of God's will, was alone competent to decide what was necessary for men's spiritual welfare, and so put forward the theory to justify church interference with the state, when the state, by flouting divine law, endangered the salvation of souls. The church was to be able to recall the ruler to his proper duties and possessed ultimately the power of excommunication, with resultant deposition, as a means to enforce its rights. If the ruler or rulers, representing the people, have legislative authority, the Christian sense of right is above them. Society is ultimately theocratic rather than democratic. But at a later age, with the disappearance of unity of belief and the substitution of the individual conscience for church authority, Aquinas's doctrine of the limitation of effective law offers a basis for the theory that the state cannot properly command the individual in certain matters involving belief and private action. For by its nature the state cannot take over the functions lost by the church, and from Aquinas's teaching can be inferred the whole theory of freedom of conscience.

Aquinas was concerned with demonstrating the subjection of all secular authority to a higher power in terms of the unity of an ultimate purpose. But, while his theory was the culmination of medieval doctrine, it came on the eve of changes that finally led to the breakdown of a united Christendom. Immediate purposes began to diverge, individual hopes for earthly success grew, and there resulted many conflicts in which the

ideas already developed were used for other ends. Though Aquinas was already aware of the growing importance of nationality, he had not recognized that it was becoming a force incompatible with Christian unity.

Yet the lasting question involved in the philosophers here examined is, after all, how to create authority while at the same time limiting its scope. The church played a vital part in social development by making men forever aware of this problem and by insisting that authority was essentially limited in terms of principles. The theory that law was simply what the prince willed was utterly rejected; and the Reformation, whatever its immediate effect, was unable to destroy this point of view. The concept of limitation, the idea of popular rights and the doctrine of resistance to tyrants were to survive and be reinterpreted. At the same time the danger of anarchy from individual and thoughtless disobedience was to be lessened by the insistence that it was not for the masses, but for wise leaders to decide when the existing situation was unendurable. The doctrine of revolt under magistrates supported by Aquinas was to be espoused not only by Catholic but by Protestant leaders.¹

While state absolutism might replace church supremacy, secular authorities could not use precisely the same arguments that the church had employed, although princes did endeavor to proclaim themselves the sole interpreters of God's will. In the church itself the theories reviewed above were used in support of the practice of papal absolutism as the church became increasingly Italian and increasingly secular. Its permanent head, the Pope, combined the attributes of earthly sovereignty with claims of spiritual supremacy. This led to an attempt in the Conciliar Movement, to be dealt with later, to apply the theory of limitation to the papal power. That movement was doomed to failure, and the Reformation took place. Immediately it resulted in absolutism in both church and state, but finally its result was limited government in the latter. The former, despite occasional attacks, has as an organization retained and strengthened its monarchical character, while from the standpoint of theory it

¹ See, especially, Ch. XIII.

has been able to rely largely on the doctrines of Aquinas in supporting its authority.

Bibliographical Note

For a general treatment of the topics discussed in this chapter, Chs. VI-VIII of Dunning's *Political Theories, Ancient and Medieval* are useful and sound. *The Social and Political Ideas of Some Great Medieval Thinkers*, edited by F. J. C. Hearnshaw, contains essays on both John of Salisbury and St. Thomas Aquinas, as well as on other thinkers not treated here. R. L. Poole's *Illustrations of the History of Medieval Thought*, while not primarily devoted to political ideas, is incidentally illuminating and provides farther background for the ideology of the period. R. W. and A. J. Carlyle, McIlwain, and Gierke (ed. Maitland) all cover the period, and what has been previously said as to their respective characters applies.

On St. Augustine, J. N. Figgis's *The Political Aspects of St. Augustine's "City of God"* is the best work for the political theorist. It analyzes the scope, theory, and influence of St. Augustine in a clear and forceful way, and is intelligible to the unlearned. Though it is not concerned primarily with political theory, *The City of God* is itself well worth reading by the student, since it helps make intelligible the basis and subsequent development of Roman Catholic social and political philosophy. There is a translation of the most important parts of John of Salisbury's *Policraticus*, under the title *The Statesman's Book of John of Salisbury*, done by J. Dickinson, who contributes a fine introduction, including a very clear discussion of Higher Law. There is a chapter, entitled "Group Life and the State," in M. de Wulf's *Medieval Philosophy* which contains a valuable account of St. Thomas Aquinas' social philosophy. E. Gilson's *St. Thomas Aquinas* is a sympathetic and intelligible account, by a distinguished authority, of the angelic doctor. Its emphasis, however, is not political.

CHAPTER VIII

The Desire for Freedom of Action for the Temporal Power: Imperialism and Nationalism

*The Change of Emphasis From the XIIIth
to the XIVth Century*

THE thirteenth century had seen the perfection of theories of papal supremacy and the apogee of papal power. The fourteenth century was to reveal an increasing discontent with the position and claims of the Pope. As the great thinkers of the former century were always uniformly on the side of the church, so those of the latter were supporters of kingly claims. It should not, of course, be inferred that the thirteenth century was devoid of theories attacking the papacy. They were, indeed, numerous; but the nation and state in general had not grown powerful, while the empire was already a broken reed and, in fact, if not in theory, a local institution. The need for unity was still great, and there was only one conceivable source thereof.

In the fourteenth century, on the other hand, the papacy itself appeared increasingly as a local and political institution, and the Babylonian Captivity at Avignon greatly decreased its prestige. At the same time the wealth of Europe was growing, and the vernacular tongues were beginning to be more widely used. With the development of these forces the possibility and the desirability of the united nation were alike gradually recognized. Aquinas, it is true, had perceived that national interests differed, but he did not infer the desirability of temporal supremacy.

Unity was still for him the significant end, and the papacy alone could secure it. It was, perhaps, only an ultimate unity, with differences allowed to flourish in purely temporal affairs. The fourteenth century, however, is already coming to abandon that ideal. The writers are, of course, Christian and profess themselves true children of the church. Nevertheless, they increasingly conceive of that church as federal, rather than unitary, and are anxious rigidly to delimit its functions, that the power of national monarchs may be increased and may be held independently of the church. Where necessary, they will even defy the Pope and suffer excommunication rather than bow to what they consider a perversion of Christian principles. Historically minded, they look back to early Christianity and insist that papal absolutism is based on unwarranted usurpation. Particularly, they object to the Italian character of the papacy.

Dante's Vision of Empire

The first theorist with whom we have to deal is indeed not a nationalist, but an imperialist, looking to the restoration of the Roman empire and obsessed with the greatness of the past. Dante Alighieri (1255-1321) was born in Florence, the son of loyal Guelf parents, at a time when the city was under Ghibelline rule. Of his early life we know little, save for his love for Beatrice, whose untimely death was perhaps responsible for some years of more or less serious dissipation, which he subsequently regretted. At the same time he was devoting himself to the study of philosophy and literature. In 1296, however, he married, having entered on a political career the previous year. While he never held major office, he did occupy responsible positions in the Florentine Republic; and it may have been the struggles of the city to keep its freedom despite Boniface VIII that led to his accepting the imperial, Ghibelline, position regardless of family and personal ties to the Guelfs. Moreover, that party split, and Dante, a member of the losing faction, was driven into exile, never to return.

One must not, however, ignore the element of historical romancing that helped form Dante's political views. He had read

classical authors and had been greatly impressed by Virgil, as we see in the *Divine Comedy*. Now, the *Aeneid*, it is well to remember, was written in praise of Rome's might, and was a panegyric of Augustus, the founder of the empire. Dante looks back on the greatness of that empire and desires to see it revived under the aegis of Christianity. He looks back, too, to the power of the Christian empire of the Hohenstaufen, which had ended with the death of Frederick II in 1250. He conveniently forgets the practical weakness of the existing empire and is unaware of the impossibility of restoring its pristine glory.

Nevertheless, it is the actual misery of Italy and of the world that drives him to write the *De Monarchia* (circa 1310). Italy, and Florence in particular, are torn asunder by the struggles of Ghibelline and Guef, the supporters of the empire and the supporters of the Pope. Both were fighting for, to him, narrow ends, and the product of their struggle was anarchy. If Dante himself sympathizes with the Ghibelline group in that he is an imperialist, at the same time he is aware of its shortsightedness and would have it devote itself to wider, nobler ends. From its partisan premises he erects a philosophy of universal politics. While he looks backward to an empire long dead, he nevertheless revives an ideal of temporal unity to overcome local anarchy and dissension. Like most of the thinkers of his century, he desires, above all, peace. He is tired of ceaseless and pointless struggle that he believes is the product of papal ambition.

What are the conditions of peace? A lasting peace can be based only on justice and law, on the triumph of principle in the temporal sphere. But justice and law necessitate government, which may produce order and destroy anarchy. Without government the good life is impossible. Government for him is universal, producing a uniform order: it is not a series of local tyrants whose quarrels lead merely to strife.

The church has a purely spiritual mission. The papacy has forgotten this, and, taking part in political struggles as a temporal power, has simply increased disorder, while destroying that sense of united brotherhood which it is its duty to proclaim. Accordingly, the church must give up its temporal power and regain its prestige through an unswerving devotion to its spirit-

ual ends. Since unity is necessary for true peace, the sole and supreme temporal authority must be imperial. The empire can be revived and made strong if the Pope will give up to it the temporal power he has usurped. Nevertheless, the Pope is not the creator of the empire, which is justified of itself through the necessity of government and by its own practical administrative ends. The power of the empire comes direct from God, not mediately through the church.

Dante thus proclaims two separate entities, each supreme in its particular sphere—one concerned with peace on earth, the other with the salvation of souls for everlasting life. That the papacy had already too many vested interests which it could not safely surrender, he does not recognize; while he fails entirely to see that the growth of wealth and population and the emergence of national consciousness make a strong empire impracticable. Kings had begun to taste power and lust for more. They were unlikely to be willing to surrender to an emperor who himself would be of some particular nationality. Dante's scheme may have been visionary: it is, nevertheless, well to remember that the emergence of the nation-state, while coinciding with and stimulating economic growth, also produced that international anarchy that has been a major element in western civilization ever since.

*Dubois: the French Monarch as the
Leader of Europe*

The force of that nationalism is to be seen in the theories of the Frenchman, Pierre Dubois (circa 1250-1312?). A Norman by birth, he was educated at the University of Paris, where St. Thomas Aquinas was numbered among his teachers. He became, however, a royal advocate in Coutances, probably his native city, and, while he never held important royal office, he was doubtless trusted by the king, whose champion he always was. He sat, moreover, as a representative in the Estates-General on at least two occasions.

Dubois starts from the same point as Dante. He is no less impressed than the latter with the disorder and conflict in the

world in which he lives, and he is possessed of an equally ardent desire for an everlasting peace. The means he advocates to attain it, are, nevertheless, totally different. Unlike Dante, he is a member, not of a city-state, but of the greatest country in Europe. If he can perceive anarchy, he sees no less a national unity and a tremendous organized force which it is his task to support and extend. He comes from the common people, and has attained his position as a crown lawyer through his own talents and the willingness of the king to employ them. It is not unnatural that he should support the one who has given him opportunity, the more so since his practice has brought him affluence, and he has property interests to protect and further. Being constantly immersed in practical activities, he is not given to dreaming, but sees clearly the emergence of a new and different world whose spirit he shares and whose triumph he is eager to promote.

His life is devoted to pamphleteering and to writing briefs for Philip le Bel. The latter was engaged in a long struggle with Pope Boniface VIII. It is notable that, despite the vast power of the latter, Philip successfully defied him and established the independence of the French state and the liberties of the Gallican Church. Dubois's ideas, advanced on behalf of the king, are contained chiefly in two works, the *De Abbreviatione* and the *De Recuperatione Sanctae Terrae* (1306), a work curiously dedicated to Edward I of England, though addressed to Philip. The immediate subjects with which he is concerned are the extent of the Pope's temporal power and the position of Religious Orders, particularly the Military Order of the Templars. The ideas he advances are, however, far wider in scope. Like Dante, he points out that the papacy, powerful and wealthy, is ever trying to increase its control in temporal affairs, while losing its spiritual ardor. Particularly, it tried to encroach on the temporal courts, although with the growing power of the king's courts, and their increasing efficiency in the administration of justice, the need for the church's justice was disappearing.

As a crown lawyer, Dubois has a professional interest and resents anything that may lessen the importance and scope of his position. Accordingly, he argues that kings, or at least the French king, must resist the Pope and increase their civil

power. The emperor may receive his authority via the church, but the French monarch has power in his own right and is in no way indebted to the Pope, nor in need of his support. The Pope must give up all intention to control the king and must concern himself solely with his proper sphere, the promotion and protection of faith. Nevertheless, Dubois is a Catholic, and so feels the necessity for showing his religious zeal, even when attacking the Pope; while his ideas, being subversive, must be disguised. He does not desire to be a martyr, nor to bring down upon his head excommunication.

The project of recovering the Holy Land allows him at once to show his ardor for Christianity and to work for the supremacy of France in Europe. He suggests that Religious Orders be dissolved in order that funds for such a crusade may be more easily forthcoming. The plunder from their dissolution would build up a strong nation through a strong king. This is his real objective. He is in this respect a precursor of Henry VIII of England. Further, the closing of these Orders would set wealth free to remove poverty—and charitable work is, after all, to be supported by the church. At the same time, losing its vast wealth, the latter would become more spiritual. Practically, such a use of funds would enhance, not the power of the church, but the prestige and popularity of the king who had encouraged such a reform. Moreover, the nuns, released from their retreats, would go forth and educate the people to the great benefit of the country, an idea curiously suggestive of Luther's later attack on monasticism in the name of social utility.¹

Dubois, indeed, suggests that the Pope should give up all temporal power and even dares to argue that the church revenues should be paid by the state. Thus the church, free from concern for the morrow, might once more adequately fulfill its function. The king would, naturally, be able to control it, although Dubois does not emphasize this. He who pays the piper calls the tune. With the powers of Pope and king in totally different spheres, there would be no possible cause of strife between them, and they could combine to produce universal peace and to carry on a glorious and successful crusade

¹ See Ch. XI, p. 310 et seq.

against the infidel. Indeed, Dubois is anxious to have the Pope completely under the French king's thumb, objecting that the papacy, being Italian, has ceased to be universal and has degenerated into an organization for local intrigue. He calmly argues that it should cross the Alps and thereby gain increasing respect from the world. It is hardly necessary to comment on the actual effect of the Avignon Papacy in promoting such respect: rarely has papal prestige fallen so low.

Dubois has a strong suspicion that the Pope may not see eye to eye with him in these matters. Should a Pope fail to accept such a position, he is manifestly prejudiced by his material interest, and become heretical. It is then the king's task, as a proper Christian monarch, to defend religion. Nevertheless, it may seem wrong for the king to raise his hand against the Pope in terms of his own judgment. He must, therefore, gain justification and support by appealing to the body of Christian people, who are hurt by the Pope's behavior. Dubois speciously identifies the Christian people with the Estates-General, the French parliament. But why should the people have any voice? The answer is that, since they are the parties interested in true Christianity, the laity have the right to intervene when the Pope behaves improperly. Dubois is manifestly an extreme Gallican.

When peace has been secured through such action, it is to be preserved by a European league, before which differences are brought for arbitration—the arbitrators being men of substance and learning, who will not be corruptible nor misled by weaknesses. The final arbitrator, if the disputants refuse to submit to their decision, is to be the Pope. Since the papacy is to be under French control this gives ultimate power to the French king, who thus comes to dominate Europe. The Pope is a spiritual leader, interested in peace, and must excommunicate those who fail to obey decisions.

While this was clearly a plot to make France the ruler of Europe, it was, at the same time, the first important proposal, based on a recognition of political realities, of international arbitration and the outlawry of war, anticipating a whole variety of works on peace. But, unlike them, it suggested an institutional framework for the operation of a peace system. Dubois

may legitimately be considered a forerunner of Woodrow Wilson and the League of Nations.

With conflicts between Pope and king thus removed and with peace prevailing in Europe, France may turn to internal reform and improvement and to the gaining of external prestige. At home, the king must put down competing nobles and make himself the sole ruler, gaining exclusive power. He must have a united nation behind him, ere he sets forth to conquer the Mohammedans and bring them within the Christian fold. He must gain popularity and power by ruling for the good of the people, and to this end he should establish a sound coinage, tax justly, and require only reasonable amounts of military service. It may here be repeated that the medieval silver famine had produced a debasement of money and a confusion of competing currencies. Dubois clearly recognized that monopoly of the right to coin would greatly strengthen the king, that a sound currency would promote trade, and that commerce would increase the nation's power.

He further advocated the simplification of legal procedure, recognizing that a complex legal system was difficult to know and hard to enforce. He wants a codification of law, and in this respect is a precursor of the Code Napoléon. He also recognized that, apart from a simple legal system, it is necessary, if justice is to be secured and if the king is thereby to gain popularity, that access to the courts should be open to all. Hence, he argued that the expenses of litigation must be reduced. It may be apposite to note that today we are again struggling with this very problem.

In addition, Dubois proposes a system of public education, which is to be exclusively in the hands of the state. It is to be a practical education, intended to make better citizens and a more prosperous realm. Dubois protests against the concept of education as a purely cultural matter destined to give graces to a leisure class. We may here observe, first, that the lasting struggle between the Catholic Church and the nation-state has turned very largely around the question of who should control education; and, secondly, the subsequent Renaissance, while it stimulated humanistic studies, also fettered a later Europe with

an education that was the very antithesis of that advocated by Dubois. Dubois admitted to this education, to the schools, both men and women. He is one of the first thinkers since Plato to advocate the equality of the sexes; and, as we shall see, he believes that women can be very useful in carrying out national policies.

The French king, supported by the Pope, will have undisputed hegemony in Europe and will be the only possible leader for a crusade. He must, indeed, extend his European territory, that order and security in Europe may be assured while the combined forces of Christendom are away in Palestine. The French king will then set out at the head of a mighty concourse to recover the Holy Land, going with the blessing of the Pope. But, that the enterprise may have the greatest chances of success, that the Moslems may not be exterminated, but may be converted to Christianity, it is necessary to use other weapons than the sword. Accordingly, before the crusade gets under way, there must be sent to Palestine the most charming and intelligent women of France, who, by their character and abilities, will work on the Mohammedan and prepare him for conversion, while reducing his fanaticism, and hence his resistance to the hosts of the Lord. This was a somewhat naïve idea, particularly since Dubois is not advocating immorality or exploitation of sex appeal. Whether the French women of his day had the graces and intellectual powers of the great mistresses of the salons of a later age, we do not know; although it is interesting to note the unusual part played in French intellectual life by such ladies.

The success of the crusades is, as we might expect, not to be without its benefits to France. When the Holy Land is recovered, there is to be set up a French empire in the East. It is, of course, to be Christian; but Dubois recognizes, long before our age, the value of religion as an excuse for imperialism. We may further remember that the desire for an eastern empire played a leading role in French politics in later centuries and that Napoleon himself vainly tried to realize this ambition.

If Dubois was optimistic in expecting either the papacy or

the rest of Europe to submit and agree to the French claim, he was, nevertheless, more practically farsighted than his contemporaries in his willing acceptance of the new forces that were to become dominant two centuries later. More than any man of his time, he prophesied nationalism and absolutism and recognized their interdependence; while in his advocacy of arbitration he foresaw the anarchy that those forces might produce. He was a Machiavellian before Machiavelli. He was, however, a realistic politician, not a philosopher; and his thought is that of the pamphleteer rather than of the profound thinker.

*Marsiglio of Padua: Representation
and Responsible Authority in
Church and State*

Quite different in this respect is Marsiglio of Padua, who, while a partisan and a writer of pamphlets, is a superb and profound analyst. Born at Padua in 1270, he lived a full and exciting life. Although he received a theological training, he remained a layman. He served in the army of the emperor and afterwards studied medicine, first at Padua and then at Paris, where he became rector of the university. Then from John XXII, Pope at Avignon, he received an appointment as Canon of the Church of Padua.

Up to this point his life, if somewhat more varied than the usual career, brought him into no fundamental controversies. But Lewis of Bavaria found himself engaged in a struggle with John XXII, who had excommunicated him and deprived him of the right to administer the empire. The resulting conflict was a continuation of that between Philip le Bel and Boniface VIII, in which Dubois had been engaged. The emperor needed the aid of the pen in preparing a justification of his ways and in attacking the papacy. Marsiglio, who had just begun to study theology, but had already learned to despise the existing church order, was in sympathy with the attack, and, together with John of Jandun, entered the emperor's service. The outcome of

their work was the *Defensor Pacis*, brought out at Paris about 1326. This work was an attack on the theocratic idea and denied the papal pretensions to control the secular order. Naturally its doctrines were condemned by the Pope. For the moment this did not harm Marsiglio, since Lewis had himself crowned and dethroned John XXII. But for various reasons the emperor abandoned his apologist when his political aims were attained, and Marsiglio, thus condemned by the church and refused support by the state, died an outcast in 1342.

The whole situation offers an interesting analogy to the relations of Henry VIII and Wolsey; for Lewis, like Henry later, quarrelled with the Pope largely over a matter of divorce, and Marsiglio, like Wolsey, defended his master, insisting that matrimonial matters rightly fell in the secular jurisdiction. Both the servants were ultimately abandoned by their masters, though Henry, unlike Lewis, found it necessary to break with the papacy and establish the Church of England first. The quarrel, however, in both cases broadened its basis and became a struggle between two philosophies and two forces.

Marsiglio, like Dubois, developed theories of nationalism against the papacy, though unlike Dubois, it was democratic and not absolutistic institutions that he desired. While his work was condemned in Paris and at Rome and publicly burned in the former city, and while it finally found its way onto the Index of Prohibited Books when the latter was created, the energetic attempts made to destroy all copies of the work were without success, and its ideas created a tremendous and lasting ferment. Marsiglio is not only a precursor of the Reformation: he goes further than most of the reformers in insisting on the desirability of democracy both in church and in state.

What is the thesis of the *Defensor Pacis*? As its title suggests, Marsiglio is concerned above all with the securing of peace, and he believes that secular government is an organization to that end. Scarcely less Aristotelian than Aquinas, he holds that government exists among men that they may live well. What is the good life? It is a life in which men have leisure for the performance of liberal tasks, and not simply for the practical

objectives of Dubois. He is a passionate defender of the importance of culture, of the cultivation of the mind and the emergence of a thoughtful and educated society. Order has a higher end than prosperity and national greatness; and Marsiglio shares the Greek sense of the state as an association in and through which men may realize their highest potentialities. Like Aquinas, and like Aristotle before him, he admits that kingly rule is the best form of government. Yet he has some of Aquinas's sense of relativity, as well as a real scepticism of his own. Hence, he does not state this idea dogmatically, but rather cautiously says that a monarchy may perhaps be best.

However this may be, monarchy is not, for him, government independent of its subjects, pursuing its own ends. Rather, the monarch is a servant of the community, performing executive functions. It is the people who are sovereign, since government has as its purpose their well-being, and they alone know the conditions thereof and can judge whether the sovereign is adequately promoting it. The ruler has his power because he is chosen by the people, and he must never forget his dependence. If he fails to carry out their will, he is to be deposed. Law proceeds, not from him, but from the people, and his function is simply to interpret it. The sovereignty of legal principle, the concept of a higher law which John of Salisbury had earlier proclaimed, is here connected with the consent of a sovereign people. It is this connection that provided the foundation for democracy at a later date. At the same time, the state is clearly divorced from the church and becomes purely secular and national.

Law is legislation, based on principle, and arising from consent: the prince is necessary because laws must be enforced, must have an effective earthly sanction attached to them. Marsiglio thus specifically separates the making and the application of law, recognizing that the two are distinct, and that different institutions are desirable for performing the functions involved in each. He emphasizes the folly of making laws which in their nature cannot be enforced. He realizes full well that laws that are not the product of principle or experience are unnecessary

encumbrances and diminish respect for authority. It is noteworthy that, although this doctrine has been stressed again and again in recent American life, legislators have not hitherto learned this obvious lesson. While the prince is the executive for the people, he must act through officers, and Marsiglio insists on the importance of an administrative hierarchy for this purpose. But that hierarchy consists of responsible officers, not of persons with arbitrary powers, and the people remain the sole source of authority.

Nor is Marsiglio content to forge a democratic basis for the state alone. The church is also to be organized on a popular foundation, and Marsiglio appeals to early Christian history to show that the church means neither the buildings used for worship nor yet the officiating clergy. It is the whole congregation of the faithful, and the church hierarchy, like the civil administration, is a purely executive body. Certainly Marsiglio is opposed to all pretensions to papal absolutism. The church government is to be through a federal council, a council of representatives of the clergy of different nations elected by them and acting for their people. Democracy in the church may not be direct: those ordained are *by their ordination* the representatives of the congregation. This theory is based on the study of the federal nature of the early church and is an attempt to return thereto—its motivation being a sense of nationalism, a recognition that different peoples and different problems and interests must be taken into account in laying down general church policies.

While the clergy are endowed with powers in terms of their office as representatives of the people, they are in no sense superior to the prince nor independent of his jurisdiction. In spiritual matters they may, indeed, have considerable freedom. Yet even here their rights are not unlimited, since there is a twilight zone where questions contain both temporal and spiritual elements. Moreover, if their spiritual tasks may transcend state boundaries, they are persons living within the national territory, functioning within a special state, so that the prince, representing the people, is concerned with their election and

the use of their funds. In temporal matters they, like all other persons, are citizens, and hence subjects of the prince, who alone has the right to govern. Thus we have a church that is a limited monarchy, with real power in the hands of an aristocracy and with ultimate dependence on the whole community; while in temporal affairs that community, as a body of citizens, has exclusive power through its executive.

It is further interesting to observe that Marsiglio protests against the papal claim to a right to pardon sins, that claim which at a later date was to provoke Luther's indignation and to end in the Reformation. Marsiglio argues that God alone can pardon men, since pardon is given only where there is genuine and sincere repentance, a matter necessarily beyond the knowledge of clergy or Pope. Thus, the Pope is treated as a person rather than an institution, and his personal fallibility is assumed to enter into all his works. The idea of a special gift from God, illuminating him when he acts officially, is denied by implication, as is also his claim to be the direct representative of God on earth.

Marsiglio had visited the Pope at Avignon, and may well have gained scepticism from that encounter; while it is not unlikely that his realization that the papacy at the time was a puppet of the French king may have stimulated his feeling of nationality and led to his championing federalism. In any case, he was, as we have suggested, a somewhat sceptical person. He denies the right to pardon: he insists no less vehemently on the wrong of persecution. Toleration is necessary, and it is for God alone to deal with heretics. Whether opinion is erroneous may not be known to mere mortals. It is an unwise and unjust arrogance to assume that one has the exclusive possession of truth. Unfortunately, in the subsequent struggles for power and prestige, this wisdom was forgotten. After the Reformation particularly, passions were inflamed, and the moderate Erasmus, who, save in the matter of courage, somewhat resembled Marsiglio, was unable to make any impression. It was only when the vast cost of strife showed that intolerance was ruinous that those in power began to admit their limitations.

*William of Occam: Limitation of all Earthly
Authority, Spiritual and Temporal*

Marsiglio's viewpoint was shared to some extent by William of Occam. But, whereas Marsiglio was not primarily a theologian, William of Occam, though he took part in the controversies of his time, was above all a scholastic philosopher. Born about 1280, he went to Oxford and is said to have been taught by Duns Scotus. He became a Franciscan, and then went to Paris, where once again he had the same teacher. There he himself began to teach and to write works of a typically scholastic character. After a short period, however, he gave up teaching and entered into the political issues of his time on the imperial side, producing several *livres de circonstance* of considerable importance. For our purposes, the most important of these are the *Octo Quaestiones* and the *Dialogus*. Perhaps owing to his training, he remained more moderate in his viewpoint than Marsiglio, though this moderation may in part be the result of a yet greater degree of scepticism. In any case, as a result thereof he was able to live a quiet and respectable life and to avoid condemnation. He died at Munich in 1349.

Marsiglio had denied the infallibility of the Church. William of Occam realizes that neither church nor state is infallible or necessarily right. Hence neither should possess absolute powers; and each should be constituted a check on the other. Each is supreme in its own sphere—one temporal, the other spiritual. These spheres are coterminous; but at the same time they are separate. Nevertheless Occam sees what some of his contemporaries did not duly stress, that it is impossible completely to separate the two, since they interact and affect one another. If they deal with different aspects of life, they nevertheless have the same people for their subjects. Occam thus notes the possible conflict of allegiance that may arise, a conflict that has been a cause, not simply of struggles between church and state, but of great perturbation of conscience to individuals who were sincerely religious but at the same time were anxious to perform their functions as good citizens. Occam simplifies his problems somewhat by arguing that the church is

not simply a priestly organization, but the whole body of Christians, including equally both men and women. In this respect he goes somewhat further than Marsiglio, while the implicit democracy of the attitude of both, a concept developed later in the Conciliar Movement,¹ is perfectly obvious.

Like Marsiglio, Occam argues that in matters of faith there is no certain and sure judgment. Hence, the Pope alone has not the requisite infallibility to make decisions which will affect the whole church. Nevertheless, Occam is aware of the possibilities of heresy, and of the resultant disintegration if it is allowed to flourish; for heresy is destructive and may ruin the safety of Christians. Certainly all views are not equally justified, and some must be suppressed. While Occam would limit papal power, he still shares the medieval view of the desirability of a united Christian world. One cannot assume that one authority rather than another is correct, but their conflicts must be solved lest the whole be harmed.

The difficulty is, however, to find a certain and impartial judge, and this is a problem with which Occam does not adequately deal. With papal supremacy there would at least be a certain and final authority. Unfortunately, thinking people were beginning to feel that it was a partial and prejudiced authority, and that unity might be bought at too high a price. To destroy that authority and still ask for unity was impractical; and Occam only creates new difficulties by insisting, perhaps quite correctly, that heresy may occur in the Pope no less than in the civil ruler. If the Pope becomes heretical, an emperor may use force to depose him; while if the emperor becomes heretical, the Pope may indirectly remove him by releasing his subjects from the duty of obedience. The Pope, of course, must never use force.

With the spread of scepticism later, this limitation meant that the king had a differential advantage, since the threat of physical force became more powerful than the fear of eternal damnation. Immediately, Occam seemingly enhances the possibilities of conflict, since both parties could claim they were right and indulge in unnecessary warfare, accompanied by a relentless stream of

¹ See the following chapter.

propaganda. Occam, of course, was by implication democratic, since he transferred the power of judgment from the leaders to the mass of believers. Unfortunately, there was no guarantee that they would all have the same sympathies. Practically, the citizens of each state would go their own way, and the ideal of unity would be permanently destroyed.

It was, indeed, nationalism rather than democracy that was Occam's chief concern. His central aim is to set the state free from the church so that, endowed with an equal power, it may breathe and grow. This is shown quite clearly in his insistence that all disputes of a genuinely temporal character should be decided by the king's law courts, using force, no matter who the offender might be. As an Englishman he protests, as had others before him, against the benefit of clergy, which should most certainly be removed. Any rogue who could mumble a Latin prayer might lay claim to that right, and was usually supported by the church, which unwittingly gave protection to rebels, robbers, and murderers. For, while the masses were still uneducated, in the course of time more and more persons gained some slight degree of learning.

Yet, while Occam reflected the growing nationalism of his day, he was at the same time a scholastic. He shares many of the views of Aquinas and Salisbury. He rejects any absolute authority in terms of the higher law, to which all persons on earth, whatever their position and function, are subject. Law has its source immediately or ultimately in God, and no law directly contrary to God's command can impose obligation. Nevertheless the law of God as such is only part of higher law; and, from the point of view of social-political matters, natural law is even more significant. Any human law conflicting therewith is unjust.

In this connection it is well to remember that natural law was regarded at the time as genuinely binding law and not simply as a series of moral precepts. Hence Occam argues that, "when its commands are clear, men may disobey laws promulgated by earthly authorities manifestly in contradiction of it. For they are *ultra vires*, no law at all. The right to disobey earthly legislation is carefully hedged: Occam was well aware

of the dangers to social well-being from thoughtless and selfish strife. Yet the limits on the powers that be are real, and men are not left to patient submission nor deprived of the claim to self-help when their well-being, spiritual or temporal, is fundamentally threatened.

Moreover, Occam subsumes under the higher law, as part of the law of nature, the *ius gentium*, which is for him those rules generally accepted and obeyed among men, subject to change by the consent of the latter under changing circumstances. The measure of the validity of such rules is the general good of the community. These rules are necessary through men's sin, their imperfection, but they are a means to their better life as social animals. They arise from the *mores* of the community, not from the will of a legislator, and are indeed a limitation on the latter. Thus, apart from the law of God and the more universal natural law, authority is limited by those rules which prevail in a community and are sanctioned as convenient usages for promoting its well-being. This *ius gentium*, created by men, is essentially custom. Unlike the other parts of higher law, it may, since it results from man's imperfection and does not embody absolute good, be departed from by rulers, but only when well-being and order make such departure necessary—when, that is to say, the departure is for the very purpose for which the law itself exists.

For Occam, the *ius gentium* contains the principle of consent: earthly government depends for its validity on the consent of the governed. Kings and emperors hold their power by election of the communities over which they are to exercise authority. Yet Occam, like Rousseau later,¹ perceives the difficulty of ascertaining consent. Unlike the latter, he avoids identifying it, even for the most practical reasons, with the majority. Majorities may indeed decide questions when decision is urgent, but the *fact* of such decision does not debar the minority from protesting and even, if the decision conflicts with more fundamental law, resisting or disobeying. Majorities, like kings and Popes, lack any absolute authority. Occam, while feeling that just earthly laws require the consent of the governed, is aware, as

¹ See Ch. XXII.

many modern democrats are not, that this doctrine may readily be made the basis of a new tyranny. Indeed, even the community as a whole may not change the existing organization of temporal governments to which it has previously consented, lest order be endangered and injustice done. Once consent to specific forms has been given, those entrusted with rule must be respected and accepted while they perform their function. This does not involve an unbreakable contract; or rather it rests on the idea that both parties have contractual obligations, and neither may deny these without cause given. Indeed, the theory contains something of the Benthamite idea of respect for established expectations, though both ruler and ruled have these, and they concern government generally, and not simply property rights.¹

Occam's theory is in a sense one of checks and balances. The different parts of society all have rights and obligations, and each checks and limits the others. The test of excess of powers is, however, not the decisions of a court interpreting a man-made constitution with provisions defining more or less clearly the sphere of each part. Nor is might right, in the sense that the claims of king, majority, or community are functions of their effective powers at the moment. Each, rather, is subject to the higher law, embodying the principles of justice and morality, but viewed as positive law prevailing on earth.

*Wyclif: Theological Radicalism with
Social Implications*

Somewhat different from the preceding thinkers was Wyclif. While the former had wanted certain minor reforms in the church itself, they had on the whole defended its essential doctrine, at least as far as religion was concerned. At most it was their object to decrease the political power of the church. Wyclif goes further, and suggests the necessity for doctrinal reform. Nevertheless, he is in many ways still a medieval

¹ Bentham emphasizes the importance from the point of view of social order of not upsetting established property expectations, since changes therein would make impossible the rational calculation of self-interest on which he believes society ought to rely. The subject will be taken up in a subsequent volume.

thinker, and his feudal doctrine is a restatement of the essentials of the higher law idea. While he becomes the grandfather of a revolution, he does so, like many another revolutionist, *malgré lui*. He is driven to his position by the very sincerity of his belief. His predecessors were no doubt good Christians; but they were thoroughly aware of the church as an institution, and it was to the purification of that institution that their thought was devoted. Perhaps the greater radicalism of Wyclif was in part due to his belonging to a somewhat later period than the preceding thinkers, to a recognition of the failure of their efforts, and to the experience of the miseries of a prostituted and powerless papacy.

Wyclif was born in 1324, though little is known of his early life, and even his career at Oxford must be in part conjectural, since others of the same name were at that time in residence. But he seems to have been at one time Master of Balliol College, a position he resigned on being appointed to a Living. Later he took his doctorate in theology and then entered public affairs.

His theories at first proved useful to the government, which supported him against Rome. The latter condemned him, not only for his denial of papal claims, but for his attack on the doctrine of transubstantiation. The state naturally was not perturbed by the latter; but the radical interpretation by common men of his ideas led to a resistance to its own authority in the Peasants' Revolt. This lost Wyclif a good deal of his popularity, and he was condemned both by Oxford and by the government. He denied that he had intended the implications of his ideas, and retired to his church at Lutterworth, where he remained till his death in 1384. Even his death, however, did not content the church; and the Council of Constance had his remains exhumed and cast to the winds in 1428. But his ideas were not so easily disposed of, and the condemnation of the Hussite movement in Bohemia, which grew out of his doctrine, only hastened the Reformation.

Wyclif is little concerned with the preservation of the church hierarchy, being rather overwhelmed by his personal awareness of the immediacy of God. His religion is individual, and

through it he provides the foundation for social individualism as against the medieval obsession with unity and the corporate character of society with its careful gradations. Wyclif is essentially a scholar, and his theories are first advanced while he is a professor at Oxford. Certainly he does not set out to lead a revolt of the masses. He is popularly known as a social and religious radical only because humble men misunderstood his philosophy and naïvely interpreted it as an invitation to rebel against economic and governmental injustice. They thus lost Wyclif the support of the political powers of England in his struggle for church reform. Yet men like John Ball and Jack Cade undoubtedly thought that they were supporting his ideas, while the whole Lollard movement stemmed from his teachings. This latter movement was repressed, although Lollardry continued in the wilder parts of England for some centuries.

What was Wyclif in fact trying to do? Like other contemporary reformers, he desired a return to the primitive conditions of Christian belief; but, unlike them, he realized that to gain a pure church it was necessary not simply to reform the hierarchy, but to remove all that body of irrelevant doctrine which it had in the course of centuries established. Shocked at the Avignon Papacy, and aware that even previously the church had been growing corrupt and incapable either of accepting criticism or of reforming, he puts forward a defense of individual spirituality against the forms of church authority and organization.

At the same time the Black Death had halved the population of Europe, making necessary less stratified institutions and a wider freedom. Only a national authority, present in each land, could produce order and safely bring about the birth of that new society which the Plague had made inevitable. Wyclif recognizes that struggles between the papacy and the state as to the origins and sources of their respective power have become archaic and irrelevant. Accordingly he searches for a new basis for each, expressing his views in the works *De Dominio Divino* and *De Civili Dominio*.

What theory will make possible and justify the necessary

changes, political and spiritual? Wyclif believes that the concept of feudalism can be used for his ends. This may seem curious, since in England, at least, the feudal world was already in decay, owing to a shortage of population and the need for a different scheme of agriculture if prosperity was to be restored. Wyclif's feudalism, however, is not primarily intended as a description or ideal of economic and political organization: he uses the feudal concept only as a convenient analogy. Anxious to change the church and free the state, he makes God the supreme and direct overlord over both. All authority of every kind comes directly from God, and to Him Pope and king alike owe reverence, since He is their acknowledged superior. Both hold their power directly from Him. As in feudal theory, power is a trust: hence both are responsible to Him. Thus the problem of the source of authority is simply solved: power on earth, whether spiritual or temporal, is never ultimate. In this at least, despite differences in methods of analysis, Wyclif and Occam are at one.

Yet this alone is not enough for Wyclif's purpose. From his premise it would have been simple to develop a philosophy of Divine Right, with kings responsible to God alone. Nevertheless the celebrated doctrine of lordship is not initially a theory locating authority in specific individuals. All power on earth comes from God, and authority is a habit of the reasonable nature that controls and has in its possession all things. The perfectly good and reasonable nature is possessed only by God, who is therefore omnipotent. But, insofar as mere humans possess this reasonable nature, they have lordship, holding their authority from God the Overlord.

What is the conclusion of this? It is simply that everyone in grace, all good, reasonable men, possess all things. But there are many righteous men. As a result, each of them has everything; and this must mean that all things are held in common. Thus, earthly society is a communism of the good. It is easy to see that in troubled times, when large portions of the population were in poverty, those who were aware of their sufferings but lacked philosophy would take this doctrine and, making the convenient assumption that they were in grace, would interpret

it as an attack on property and a justification of a common sharing of wealth, thus becoming rebellious against their temporal masters.

Yet Wyclif's intention was the very antithesis of this. He may have been anxious to overthrow the church hierarchy on behalf of the individual soul; and his doctrine of lordship certainly allowed him to make the church the community of all good men, with each of them having a direct, and not an indirect, relation with the Almighty. This individualism was, however, aristocratic, in that it divided the few in grace from the many sinners. It constituted a clear link between St. Augustine and Calvin.¹

Nevertheless there were manifest inconsistencies in his theories. For how could one hold, at one and the same time, that existing rulers had their power from God and that all the righteous shared all things in common, unless one denied righteousness to any save the king, which would hardly have helped Wyclif? Moreover, he was anxious to preserve the existing civil arrangements. He realized, as did Luther at a later date, that to argue for order and obedience to civil authority would bring him the support of the political powers in attacking the authority of the church. Accordingly, he was driven to insist that the possession of all things is internal, and not material, and that those in grace have all things only in the sense that they are spiritually free. Like the earlier philosophers of the church under the empire, he made equality internal; although he limited it, as they had not done, to the group in grace, whose character is known to God. Outwardly, they must accept their immediate overlord and obey. For, if the highest lordship is a sharing of the godly nature, God is also the source of all things and confers outward lordship. In His desire for an orderly universe He creates civil institutions, which are a necessary, if an inferior, form of lordship; and, since the ruler holds by God's will, it is the duty of the righteous, the servants of God, to respect that will and not to revolt.

The forms of government change with the changing times. What is the best? Ideally, of course, it is the rule of those in

¹ Cp. Ch. VII, p. 334, and Ch. XII, p. 201 et seq.

grace; and curiously, from Old Testament analogies, Wyclif translates this as the aristocratic rule of judges. Yet at the same time he is infinitely impressed by the corruption of the majority of men and by the dangers of disorder arising therefrom. Under such circumstances a single ruler, a king, is best, since he most readily exercises authority and preserves order; while he can keep those not in grace in proper subjection through the employment of a unified force. As a defender of kingship on the ground that it is less subject than other forms of government to a dissipation of authority, Wyclif anticipates Bodin and Hobbes.¹ Nevertheless, the ruler does not hold power absolutely, but is a vassal of God. He must, therefore, be in grace, and he has duties to God. This might seem to justify revolt and disobedience, if the ruler became tyrannical or if he did not produce a good earthly society. Yet it is only in the spiritual sphere that Wyclif draws this conclusion, holding that a Pope's authority may be ignored if he falls from grace; and that the whole papacy may be dissolved if a succession of Popes prove incompetent and corrupt. As regards the civil ruler, Wyclif states that God is his sole judge, since it is of God that the king holds his feudal fief. If God permits a ruler, that is His will; and, however bad the ruler may be, subjects have a strict duty of obedience. Otherwise, fighting God, they lose grace. Here once more he insists that it is the interior worth of the individual that is important, not his outward position.

The contrast between Wyclif's treatment of Pope and king shows clearly the basic nationalism of his outlook and his deep concern with temporal order, although it is well to remember that his different treatment of the Pope is necessary if he is to establish the right of direct and free individual communication with God. The Pope, who can observe only externals, cannot be the final judge of righteousness, since only God is aware of a man's inner thought. But the king, concerned simply with outward behavior, may legitimately judge a man. Nevertheless, Wyclif holds that the individual has not himself the certainty necessary to judge his fellows, including his rulers, even in terms of earthly performances. Therefore, the subject must obey.

¹ See Chs. XIV and XVIII.

But, arguing that even the humble may have grace, he is able to urge the poor to endure in the hope of a final and everlasting joy.

Beyond all this, Wyclif insists that the spiritual and temporal spheres, carefully separated, alike have their place in the hierarchy leading to God. The officers of both achieve lordship by service, by the proper performance of their functions, according to their places in the hierarchy. This is likewise true of the ordinary individual. Lordship comes, not from a wish to rise in society, nor yet from one's existing position therein, but from a proper performance of the duties of one's station. This, be it noted, accords with the whole practice of the Middle Ages. Society then was at once functional and static in its institutional setup. Once more it is significant that Wyclif is defending a system whose very existence the new forces, of which he was fully aware, were already destroying.

As a final word, it is clear that Wyclif is a forerunner of the Reformation. Like Luther, he stresses the value of the individual soul, and, like Luther too, he teaches the obedience of subjects. On the continent his ideas were to be repeated by Huss in Bohemia. Here they were to attain a more immediate practical success and to gain some concessions from the church. But the Conciliar Movement, working for moderate reform within the church, was to denounce Hussites, thereby destroying its own chances of success through a loss of popular support, and at the same time destroying the Hussites themselves through bitter persecution. It was, however, the failure of the Conciliar Movement, with which we shall deal hereafter, that made the Reformation inevitable.

Bibliographical Note

The general works to which reference was made in the notes at the ends of the last two chapters are likewise of relevance to this period. On Dante, J. J. Rolbiecki's *The Political Philosophy of Dante Alighieri* is the most thorough treatment as far as political ideas are concerned. On Dubois, there is an excellent essay by Eileen Power in F. J. C. Hearnshaw's *The Social and Political Ideas of Some Great Medieval Thinkers*. C. W. Previté-Orton's edition of

The Defensor Pacis of Marsilius of Padua contains a short, concise, and valuable introduction that presents the argument of that work in a systematic way. On Occam, there is a very interesting article by Max A. Shepard, entitled "*William of Occam and The Higher Law*," in *The American Political Science Review*, December 1932 and February 1933. Of Wyclif there is a thorough and absorbing account in H. B. Workman's *John Wyclif; A Study of the Medieval English Church*. It is, however, in two volumes, and it moreover assumes considerable knowledge of the general history of the period. A brief, but lucid, account of Wyclif's doctrine of lordship is contained in R. L. Poole's *Illustrations of the History of Medieval Thought*, Chapter X. Interesting material on this general period may also be found in J. N. Figgis's *The Divine Right of Kings*, Chapters III-IV.

CHAPTER IX

The Conciliar Movement: Church Constitutionalism and the Ideal of Harmony

DURING the fourteenth century, we saw in the last chapter, scholastic philosophers had shown a growing awareness of the new forces created by the gradual emergence of the nation-state and the partial breakdown of the feudal system. The more moderate among them had been chiefly concerned with reinterpreting the essential Christian doctrines with regard to the position of temporal authority in terms of these changing conditions. Men like Wyclif, however, represented a more extreme position that was probably in the last analysis irreconcilable with the interests of hierarchy and the fundamental premises of the main line of Catholic philosophy; and, as has been pointed out, the development of his ideas by Huss in Bohemia led to a popular and radical heresy which grievously troubled the church and was prophetic of the subsequent Lutheran Reformation.

While the fourteenth century thinkers were largely concerned with reinterpreting doctrines in a new manner, they were not unaware of the need for institutional reform within the church itself. That organization might profess to embody and explain fundamental truths concerning the nature of the universe and the duty of man, but its individual members were not able to avoid the influence of the political, social, and economic arrangements of the world in which they fulfilled their functions. As early as the eleventh and twelfth centuries the question of reform had

had to be raised. Then, however, the abuses had been particular and limited, while the Popes were at once strong and respected. During the course of the fourteenth century, on the other hand, the great wealth of Italy and the particular importance of the papacy as a political power in Italian affairs led, not simply to abuses in the lower ranks, but to an infection of the papacy and the papal court themselves. The growing desire of the Holy See for wealth in order that it might pursue its own ambitions more effectively was displeasing equally to those who believed in the practice of apostolic poverty and to secular powers finding new needs and uses for their own resources. The occurrence of the Great Schism and the indignity of the Babylonian Captivity did nothing to lessen criticism of the church, while it was pregnant with danger since men could hardly escape facing the question whether an organization manifestly disunited could in fact represent the unity of infallible truth. Certainly, if the Schism continued, the unity of Christendom would sooner or later be past saving.

*The Occasion and Purposes of
the Conciliar Movement*

At the beginning of the fifteenth century it did not seem entirely impossible that moderate doctrines such as those propounded by Marsiglio and William of Occam might prevail and that the church would reform itself from within. If this failed, the alternative was disintegration with the growth of a greater or smaller number of sects of different sizes and in various localities. Such a development would mean the end even of formal unity at a time when conflicts arising out of changing conditions made some unifying force peculiarly desirable. We who live in a world where the results of the Reformation are taken for granted, and in a country largely under the influence of the Protestant tradition that equates the Reformation with the freeing of the individual, are generally inclined to regard the breakdown that occurred as something desirable and progressive. Yet it should be noted that within medieval Christi-

anity there was considerable scope for differences of attitude and temperament, even granted that authority set limits to deviation, while the existence of some unifying authority at least restrained the extravagances of power politics. We can perhaps gather some sense of the problem as it must have appeared to sincere churchmen if we consider the current fear and disgust at the breakdown of the League of Nations and the threat of the use of unbridled force occurring therewith. Yet the League, unlike the church, has had but a short history, and has never, in law or in fact, possessed full compulsive power over its members.

The Conciliar Movement was an attempt, led by church statesmen, philosophers, and the representatives of princes, to restore the unity of Christendom, lest anarchy supervene. Its prime purpose, therefore, was to heal the schism itself. It was, however, clear to most of those concerned that the mere ending of schism and the recognition and establishment of one Pope would of itself produce no lasting harmony unless reforms were at the same time secured. Here two problems were peculiarly important: first, if suspicion and criticism were not to continue, the papal finances had to be put on a sound footing, with proper accounting and some method of assuring that the monies collected would be used for legitimate church purposes.

Secondly, however, the fact that a schism had occurred suggested that it was not entirely impossible that similar difficulties might arise in the future, or, more generally, that the incumbent of the office of Pope might become heretical or might by his behavior horrify Christendom and, provoking criticism, thereby give aid and comfort to those who from selfish ambition might find it desirable to exploit abuses. Hence there was some need to find an organization within the church that might in times of emergency temporarily take over his authority. This seemed an appropriate function for official councils representing the major interests in the church. The councils were, therefore, concerned not only with solving an immediate situation but with making themselves a regular branch of the church machinery with specific constitutional rights and duties. The church could be permanently saved by the creation of a new authority

which would make papal authority less significant. Ultimate legislative power was to rest with the councils and the pope was to become a constitutional monarch. This whole idea, it should be noted, was intended as a return to practices of the earlier church and a reversal of the policy of papal aggrandizement so successfully achieved through the work of Innocent III and Boniface VIII.

The first council, that of Pisa, held in 1409, had little opportunity to carry out this program. Those who gathered there hoped that they could decide who was the real Pope and, by putting their prestige behind him, destroy the pretensions of the other claimant. Unfortunately, however, they could not agree to support either of the existing claimants. Accordingly, they chose a new Pope, presumably hoping that his election would cause the Pope at Rome and the Pope at Avignon to withdraw. Both these last unfortunately possessed considerable power and numbers of supporters, so that the net result of the council was to make confusion worse confounded by increasing the number of contestants. This scarcely heightened the prestige of the church, though it did make it even more imperative to do something about the situation, and revealed clearly that a general overhauling of church institutions was in order. Moreover, if the Council of Pisa was a failure, it none the less saw the theory of constitutionalism in the church advanced. Pierre d'Ailly (1350-1420) there put forward the idea, first proposed by him, that the council was superior to the Pope. In this he was supported by John Gerson (1363-1429), his disciple, who in 1395 had become Chancellor of the University of Paris. This doctrine was to be taken up again at the Council of Constance (1414-1418), of which Gerson was the chief theorist, and was to reappear, after Gerson's death, in a more radical form at the Council of Basle.

Very different in temper and composition was the Council of Constance, whose deliberations were to continue for a period of over four years. Almost all the powers of Europe, temporal and spiritual, were there represented. Not only were the great churchmen and scholars present: the humbler clergy also had their spokesmen. The princes of Europe, if they had not come

themselves, had sent persons empowered to speak for them. The delegates gathered with the determination to deal with schism. In this they succeeded through the very prestige and power that the unity of such diverse groups expressed. In other matters, however, a similar unity did not prevail, and the conflicts of opinion between the different factions represented in so unwieldy a body hampered rather than aided efforts at reform.

One other issue, it is true, was urgent, and there was considerable agreement as to its proper solution. The Hussites had to be suppressed. Huss himself was invited to attend the Council to explain his position and came under a guarantee of safe conduct. Unfortunately, the safe conduct was not observed. He was indicted, tried for three heresies, and put to death. This not only angered the people of Bohemia but also alienated considerable popular support for the Council from whose deliberations much had been hoped. It is, indeed, probable that the Conciliar Movement failed largely because it ceased to represent popular feeling: the church hierarchy and the Catholic princes gained an immediate triumph, but the final price was the Reformation. While Huss's trial was probably itself fair, granted the law of the time, and while Huss may himself have been uncompromising, the fact that he was seized and brought to trial at all was both a breach of faith and poor diplomacy. The individual might be exterminated, but his death offered no answer to the grievances that he had expressed.

The Church as Constitutional and Federal

The Council did, however, have certain achievements to its credit, at least on paper. A decree of 1414 maintained that a council created in proper form to represent the church held its power immediately of Christ. Consequently, it could claim obedience of all church ranks, including even the Pope. This decree, passed in the first flush of the Council's power, was the most radical of all conciliar pronouncements, for it made the council sovereign and reduced the Pope to the position of an agent and a figurehead. The most celebrated decree was, however, the Decree Frequens of 1417, calling for regular meetings

of councils. This ensured continuity of supervision over papal policy, and legislative action, which the Pope would have to execute, whenever necessary. It thus amplified and implemented the previous decree. Unfortunately, the whole scheme was poorly devised for efficient action. A small council, analogous to the Council of the League of Nations of today, might have met sufficiently frequently and might have embodied a degree of unity adequate to restrain and direct papal activity. Since means of communication were poor, a larger group, analogous to the League Assembly, could not meet often enough to be either an effective legislature or a body to which the executive had to render accounts of his administration. Moreover, the diverse interests in the council made it possible for the Pope to play one faction off against another so that the council was rendered impotent and he alone embodied any unity of action or continuity of policy. It was the old Roman policy *divide et impera*, "divide and rule," which had not lost its effectiveness. The result was ultramontanism, the concentration of power and authority in the Pope beyond the Alps.

The Conciliar Movement did not, however, die at Constance. Indeed, while the councils immediately following accomplished little of political significance, the Council of Basle, begun in 1431 and dragged out till 1448, seemed for a time likely to succeed in achieving the conciliar principle of constitutional monarchy. Like the Council of Constance, it included representatives of many ranks, and after considerable discussion it adopted a form of procedure that was fairly democratic and popular. More than the preceding councils, it represented consciousness of nationality. Like them, however, its aim was the preservation of religious unity. To reconcile these two forces it endeavored to work out a federal scheme for the church. Its ideal was, therefore, harmony, the reconciling of differences arising out of national feeling, rather than a rigid and superimposed unity.

In the beginning the Council of Basle was dominated by a conciliatory and moderate temper, despite the radicalism potential in its democratic methods. This was largely due to the influence of the chief statesman of the whole movement, Card-

inal Giuliano Cesarini, himself an aristocrat, but capable of understanding the needs of the situation and anxious not to let the effort to preserve unity fail. In this he was ably supported by Nicholas of Cusa, the chief philosopher of the movement. Unhappily, the Pope was not willing to purchase unity at the price of a diminution of his own power, and his skill in intrigue was sufficient to set the more radical members of the council against Cesarini. The final break came when the French, Gallican and radical, became aligned against the Italians, conservative and ultramontane; and Cesarini, as well as Nicholas of Cusa, threw in his lot with the latter.

It is quite possible to explain the failure of the whole movement in terms of a moderation that too readily became conservative. Indeed, the French themselves were radical only in the sense that they were anxious to strengthen the power of their own king at the expense of Pope. The Italian group was conservative because the great offices of the church and vast influence in church affairs had become in the preceding decades more and more an Italian prerogative. They were concerned with securing reforms insofar as these were necessary to their own position and in order to avert an immediate break. They were unwilling to pursue a really generous policy that might challenge their own power. Nor were the great non-Italian churchmen anxious to lessen their authority by sharing power with the lower ranks of the hierarchy, even though they were eager to increase their prestige at the expense of Rome. It was, unfortunately, the aristocratic churchmen who on the whole dominated the movement by their position and influence, if not by their votes. Their excessive caution meant inadequate concessions to popular discontent, and when the movement disintegrated, the Italian clergy perceived that their interests lay with the Pope. Perhaps they also realized that, granted such conflicting interests, the latter was the only available source of unity.

With the possible exception of Cesarini, then, the Conciliar Movement produced no great statesmen. Even he, anxious as he was for a sensible solution acceptable to all parties, was not an inspiring person capable of bending his fellows to his will by the magnetism of his personality. Nor was the movement more

fortunate in its theorists, none of whom gave emotional appeal to their ideas. They were academic gentlemen, university professors, whose intelligence was greater than their power. Some of them, indeed, held important offices within the church, but none of them was a leader. They were sincere, moderate liberals, steeped in the traditions of the church, anxious for purity and nobility in its behavior, but essentially cautious. They were aware of the dangers of destroying a great institution by rash changes within: they were perhaps not sufficiently cognizant of the dangers from without if reform were unduly timid. They were, moreover, historically minded. They wanted to return to the methods of church government of the early centuries of the Christian era, not to create completely new institutions. The reformation they would bring about was one designed to achieve institutional purity, not to free the individual from dependence on the hierarchy nor to open the road for curiosity.

What was the general philosophy of this movement? First of all, the church, which had hitherto been considered, at least by its own officials, as an institution differing completely from all others, was now treated as a political society, presenting problems not essentially unlike those of the state and requiring a government suited to contemporary conditions, though at the same time reconcilable with past tradition. This was, after all, a vital change, since, if it did not proclaim freedom for individual judgment, it did nevertheless imply that a properly qualified group of aristocrats might examine into matters hitherto beyond question.

Secondly, the movement, in suggesting how the church ought to be governed, broadened the basis on which the latter's power rested through the advocacy of a mixed or limited monarchy. The Pope was to be on the one hand the recipient of reverence and on the other the permanent executive. No longer, however, was he to be an autocrat. His power was a trust held for the whole body of the church and he was accountable for its proper exercise. He could not of his own authority lay down new principles, nor impose doctrines and rules arbitrarily.

The councils were to constitute the legislative branch of the

church, which was a constitutional body. They were to be held regularly, were to discuss church problems, and were to decide by vote on future policies. The Pope, the executive, was responsible for the carrying out of their will. More than this, the Pope himself was not a person above all men, save in the sense that he gained authority in the performance of his duties. Instead of being God's sole representative on earth, he was, like all others, subject to natural law, the higher law, which God made and by which all His people must abide. That law taught that men were equal, and it was for the Pope to recognize that in God's sight he was no greater than the least person who professed the Christian faith. If he became tyrannical, it was justifiable to resist him, however unwilling Christians might be to do so because of their desire for the unity and good reputation of the church.

*Gerson: Cautious Constitutionalism;
the Church a Mixed Government*

This doctrine was stated above all by Gerson, who qualified his position in all directions. He was seemingly a very moderate and cautious reformer. If he recognized the abuses in the church at the time, he nevertheless feared innovation beyond what was absolutely necessary. The schism had to be healed, and this might necessitate strong action by the council. At the same time, however, reverence for the papacy was of prime importance. Whether Gerson's caution arose from his recognition of the responsibility of his position as Chancellor of the University of Paris, or whether he was fundamentally timid by nature, it is, of course, impossible to say. Nevertheless it is clear that whenever he made a strong statement from the point of view of the conciliarists, he accompanied it with another showing deference towards papal claims. Thus in 1409, in connection with the Council of Pisa, he wrote his *De Auferibilitate Papae*, arguing that it was justifiable to dethrone schismatic Popes. This argument was accompanied by a recognition of the divine basis of the papacy and an insistence that the office of Pope was sacred.

It was, however, in connection with the Council of Constance that he fully developed his doctrine of the nature and constitution of the church in the *De Potestate Ecclesiastica et Origine Juris* (circa 1417). In that work he made a clear distinction between the office of Pope and the person of the temporary incumbent of that office. The latter might err, but this did not affect the divine nature of the position he held. Gerson, of course, argued in this way to justify a necessary interference with claimants at the time. If the prestige of the Holy See were to be maintained, it was vital for high churchmen to show that their proposed behavior, which might to many seem impious, was really not so. Certainly they as a group wished to disassociate themselves from any radical attack on the head of the hierarchy in which they occupied important positions. It is, perhaps, noteworthy that this same argument has subsequently been used both in church and state for precisely opposite reasons. Claims have been put forward for respect for an office that the sins of the particular holder thereof might be hidden or tolerated.

More important, perhaps, was Gerson's theory as to the general nature of church government. An Aristotelian, he urged that the church be treated as a mixed government with monarchical, aristocratic, and democratic elements. He did not, however, believe that the church consisted of the whole body of believers. It was rather the whole body of the clergy who constituted the democratic element, with the council as the aristocratic part. This council had to possess the power to limit the Pope when necessary, and in time of emergency it was supreme. Yet the monarch of the church, the Pope, could be resisted only from what Gerson called "pious necessity," that is, if it was clearly in the interests of the whole institution to do so.

At one point, indeed, Gerson showed what was for him unusual radicalism. He held that if the Pope departed from natural law or failed to carry out the functions of his office, the king, the head of the temporal power, might call a council for the purpose of deposing him. Thus he gave recognition to the necessity for national elements in the church, and admitted the claim of temporal authorities, if not to a voice in making church policy, then at least to protest when the spiritual power failed

to fulfill its duties, with whose performance the laity, as represented by temporal government, was concerned.

The monarch, it is true, could only summon a council, which itself had final authority. He had somewhat the same rights as a member of the League of Nations of today: the latter may demand a Council meeting in case of threat of disturbance to world peace. The king might not of himself proceed against the Pope: while Gerson realized the importance of national elements, he still desired unity of action and advocated what was essentially international government. The woes of the papacy were, we must remember, largely the result of interference and opposition by individual rulers on their own authority. A Christian king, Gerson saw, was properly concerned with the preservation of Christianity in terms of his responsibility for the well-being of his subjects. But it was not for him to judge whether that well-being was genuinely endangered by papal action: disorder could too easily follow from his prejudiced self-interest. Gerson carefully avoids any glorification of temporal power. Indeed, he specifically rejects the idea of sovereignty. Just as the church is to be a mixed government, so is the state. The ideal is a strong monarchy, subject to religion and reason, and requiring the coöperation of the three estates, especially the nobles. The latter performed functions within the state similar to those performed by the council in the church: they were a constitutional check against arbitrary absolutism.

This whole theory is interesting for two reasons. First, it proclaims that, if the church is not the same in character as the state, it must nevertheless be governed on similar principles, must be treated for purposes of order and decision as if it were a state. Secondly, it is recognized that national elements have a legitimate part in church organization, even though the essential object is to preserve Christian unity. Gerson seemingly believed that representatives of the different churches in different countries, by meeting together and frankly discussing their problems, would through their common Christianity find a path to solutions that would preserve the essential oneness of the church.

*Nicholas of Cusa: the Ideal of
Harmony Rather than Unity*

It was, however, Nicholas of Cusa who most thoroughly formulated the conciliar philosophy at the time of the Council of Basle. He was a German, born at Cues on the Moselle about 1400. He studied at the University of Heidelberg and then took his degree as Doctor of Canon Law at Padua, where he was a pupil of Cesarini. His public career began in 1431 with the Council of Basle. Thereafter he was continuously in church politics, travelling around Europe on papal missions and even going as far abroad as Constantinople. Before the Council of Basle ended, he, together with his old teacher, went over to the side of Eugenius IV. He subsequently became a cardinal, perhaps as a reward for his support of papal claims. His whole career, while distinguished, was not unduly eventful. His uniform objective seems to have been the preservation of the unity of Christendom and the bolstering of the power of the church. While he started an ardent conciliarist and ended up a thoroughgoing supporter of the Pope, the change may well have been due to his recognition of the impotence of the council and his fear of the results of a spectacle of continuous strife. He died as he had lived, while engaged in church service, being stricken at Todi in Umbria when on his way to help the Genoese crusaders.

His reputation survived almost entirely as a result of his formulation of a program and philosophy for the conciliar group. This is contained in the *De Concordantia Catholica*. The principles there proclaimed are not basically different from those of Gerson, though the emphasis is distinctly more radical and democratic. Perhaps this is because the intervening years had produced a situation where more thoroughgoing reform was necessary if the church were to be preserved, while the council, not having to devote its time to the ending of schism, could give itself over entirely to a consideration of constitutional planning.

Nicholas of Cusa was above all concerned with the creation of a harmonious universe. The world, he held, must necessarily

be conceived as an organic whole, since it was God's creation. Yet unity had disappeared and the diverse usages and outlooks of different lands could not be ignored. However, if parts of the universe were dissimilar and possessed independence as political units, they were still parts of a whole, an unbreakable chain of interdependent and connected units. They must, therefore, be harmonized, must be bound together for the higher purposes of the whole. Each may possess interests of its own, but there is a higher interest shared in common: an organism cannot survive and be healthy unless its parts are coördinated and directed.

Such an argument clearly posed the question of how to create the necessary government. Nicholas argued that both church and state are made up of various organs and that each organ has its appropriate functions and duties. The same principles could therefore be applied to both political and ecclesiastical organizations, and he urged that both alike should be ruled by a representative council. This was in essence federalism, since the different units to be represented were national units. For the good of Christendom he desired international government as the final authority in both church and state.

Why should the council possess authority? Nicholas answered that it should do so just because the delegates represented the different units involved and its decisions therefore embodied their consent. Consent, to him, was the only basis of valid law. This was manifestly a democratic idea, at least by implication, and its democracy is more obvious when we add that he insisted on the need for consent because authority derived from the whole people. Men were by nature free and equal: they were not to be governed arbitrarily without their agreement. Government was, indeed, necessary for harmony and order; but kings and bishops were simply those chosen to administer for the populace and to carry out its will. Holding power on such a basis, they were subject to law, not above it. The whole organization of society along these lines was in the last analysis a means to carry out the divine will, since men were created by God and shared in His divine nature.

If Nicholas of Cusa was thus a forerunner of the democratic

theories of the seventeenth and eighteenth centuries, he was also a defender of the independence of the secular power. That power had to be independent because its functions were independent. It was no less necessary than the church, and in the last analysis had the same purposes. On the other hand, it had different immediate tasks. It was a separate and distinct organization, but its authority was, like the church's, popular. It had an equal right to its powers, and was not to be controlled by the church through any claim on the part of the latter to superiority.

In one sense we may perhaps say that, though Nicholas of Cusa's democratic and secular concepts were later to be realized, his greatness rests above all on his advocacy of a scheme of government that has hitherto failed. It was his recognition of the need for an authority above the individual nation, an authority working through a federal organization and with constitutional limitations, that most reveals his wisdom. If he saw that the force of nationalism could not be denied, he also realized full well the dangers contained in it. He desired peace and order rather than anarchy. Yet it was anarchy that was to follow the failure of the Conciliar Movement, the triumph of the Reformation, and the use of religion as a tool of the state.

In the following century a despairing Grotius¹ was to see as the highest practical ideal the limitation of the savagery of war. In the eighteenth century, it is true, rationalists were to hold the impossible hope of a cosmopolitan order. Today we have in our disillusion become more modest, returning to Nicholas's view that the reality of differences must be recognized, while we are eagerly seeking some means to harmonize them. Unfortunately, the breakdown of any concept of unity since his day and the growth of the sovereign state have made the likelihood of success for such a movement very slight. If the Reformation in theory emphasized the right of individual judgment and ultimately aided the coming of democracy, it nevertheless destroyed, perhaps forever, the likelihood of an effective institutional recognition of human interdependence and created new excuses for man's inhumanity to man.

¹ See Ch. XVI, pp. 429-430.

Aeneas Sylvius: Authority Limited by Contract

The last thinker with whom we are here concerned is Aeneas Sylvius (1405-1464) who afterwards became Pope Pius II. He came to the support of the movement when finally convinced that there was no other choice. His approach was a historical one, as is suggested by the title of his work, *Tractatus de Ortu et Autoritate Imperii Romani, A Treatise on the Origin and Authority of the Roman Power*. He started indeed with a consideration of the state of nature. Men fell and were expelled from Paradise, and in the state of nature they lived in essentially mean conditions, no different from those of the beasts. They came, however, to see that their way of life was unpleasant and that it was desirable to live in an organized society. Accordingly, they created a political organization by an act of will. Aeneas Sylvius here suggests the idea of a social contract, which was to be a basic concept of subsequent centuries. Like Hobbes's compact later, it is a means to escape a miserable state of nature, but the theory differs from Hobbes's in that the state created is one in which men enjoy rights.¹ It was only when their rights were attacked by persons with force at their command that kings were created as recipients of public authority for the protection of the people. The important point is, however, that kings do owe their authority to the people; hence when they become tyrannical they may be deposed. Aeneas Sylvius applied the same reasoning to the papacy, which he likewise rested on a democratic foundation. His originality consisted in his use of the contract idea in a somewhat novel manner. For the rest he differed little in his conclusions from Nicholas of Cusa, though he failed to develop any theory of international relations, or indeed to confront the problem.

*The Failure of the Conciliar Movement
and Its Consequences*

Unfortunately from the point of view of immediate peace, the Conciliar Movement did fail. We have already suggested

¹ See Ch. XVIII, pp. 488-500.

certain reasons for this. The interests of the most important churchmen were on the whole opposed to it. There was a lack of any genuine political leadership in the movement, particularly when they deserted it. There was no dominant personality capable of enforcing agreement between the different groups represented in the council or of persuading them to abandon their particular viewpoints. Yet, if the failure of leadership produced the immediate breakdown of the experiment, the force of the papacy was in the long run more important. A council might be an appropriate device for healing an existing schism: a series of councils was hardly suited to the task of regular government. The tradition of papal authority had become well established. When the Popes once more became Italian, they found that they had their own interests to protect: limitation by councils was at once a nuisance and a danger. Moreover, being permanent executives and on the spot, they had a great advantage as against the councils. The latter were divided, the Pope was one. The councils met periodically, the Pope was always on the job. The councils might lay down rules, but an executive always exercises discretionary authority in applying them. Unless it is possible continuously to supervise his work, he must be granted considerable leeway. Constant familiarity with day-to-day activities of the institution for which he acts gives him a differential advantage in terms of knowledge. This inevitably leads to a deference to his views by those not so well informed. If in addition he is himself concerned with the affairs of a particular nation and has personal ambitions, he can readily use the power so obtained for his own ends. The result of all this, as far as the Conciliar Movement is concerned, was that, if the Pope failed immediately to regain his old prestige, he nevertheless effectively destroyed the movement to limit him or to reform church institutions.

With the birth of the Renaissance the Popes became more and more obviously potent and wealthy Italian princes, concerned with secular power and family intrigue. Thus, while they defeated the Conciliar Movement, they also failed to clean house for themselves. It was this failure that produced the Reformation. Only when the Reformation had been successful over a

wide area did the church recognize that it had to reform if it were to hope to save what was left and to make any significant effort to regain what was lost. That reformation, the Counter-Reformation, was led by the Jesuits and laid down its policy at the Council of Trent. While it resulted in higher moral standards and an increased concern for spiritual ends, it also led to complete papal sovereignty and extreme ultramontaniam. Hence, a social movement that aimed at constitutionalism and democracy had as its final outcome a new and increased absolutism and the development of what was in essence, despite nominal disavowals, the doctrine of the divine right of popes. The Reformation, looking for political support to princes, produced a parallel doctrine of the divine right of kings and the absolutism of nation-states.¹

One immediate result the Conciliar Movement did indeed have. Its insistence that the church was, from the point of view of organization, simply one power among others, rather than an institution *sui generis*, was accepted very widely, the acceptance being hastened by the behavior of the papacy itself. Yet the long-term consequences of the movement were somewhat different. The doctrine of constitutionalism, advanced first in relation to the church, was soon applied to the state. The triumph of the papacy was indeed permanent; and today it has still avoided any constitutional limitation and has condemned the democratic concept as applied to itself. It is subject solely to the law of God, of which it is earthly interpreter. Those who have at various times suggested any reform similar to that of the conciliarists have normally been suppressed and have certainly brought down its wrath upon their heads. In the state the doctrine of constitutionalism never lapsed, but rather grew in strength from century to century until democracy had become the practice or the accepted aspiration of western peoples. Only in the post-war world has the contrary tendency had any general success with the growth of doctrines of irresponsible power subject neither to popular control nor to any moral principle such as the higher law under which the papacy, however unlimited in earthly terms, has continued to function.

¹ For the Counter-Reformation, see Ch. XV; for the Reformation, Chs. XI-XIII.

Bibliographical Note

The material on the Conciliar Movement in English, and suitable for undergraduate use, is limited. Chapter X of Dunning's *Political Theories, Ancient and Medieval* gives a clear and straightforward account of it. Lecture II in J. N. Figgis's *From Gerson to Grotius* is at once profound and provocative. The whole work, indeed, is of first-rate value for a study of the subject matter of this and the succeeding chapters. It is, however, brief, and is an interpretation addressed to scholars rather than a simple analysis of individual thinkers or a strictly chronological account. Perhaps the best introduction for the student is E. F. Jacob's essay on Nicholas of Cusa in F. J. C. Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of The Renaissance and the Reformation*.

CHAPTER X

Machiavelli: Realistic Temporal Politics and the Ideal of National Unity

Machiavelli's Life and Political Experience

NICCOLÒ MACHIAVELLI was born in Florence in 1469 and lived till 1527. His whole life was connected with the city of his birth and with its fortunes, emotionally even when not practically. Though he has been called the first Italian, this must not disguise from us the fact that he had a prior patriotism towards Florence. And if in some ways his ideas are much more those of a citizen of a city-state than of a greater nation, it is because, despite his rational vision, he is himself conditioned by the circumstances of place and time.

He came of a good, but not distinguished, Florentine family; and his lack of aristocratic birth was a permanent handicap to his achieving really first-rate political office or distinction. In Florence at this time, as in the whole of Italy, one either had to be born of the nobility (though the regularity of one's birth was a minor matter) or to have the adventurous power of leadership and rise as one of the *condottieri*.

When Machiavelli came to manhood, Florence was republican; that is to say, it was governed by a fairly small aristocracy with some popular support, though factions were by no means absent. Citizenship itself was, as in the Greek city-states, somewhat narrowly confined, and large numbers of the inhabitants were without political power or rights. Machiavelli's family and friends had sufficient influence to get him an administrative position in the city service. In the course of time he attained a post of responsibility and of some real power, though the civil



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service of that day did not, as today, have any great voice in making policy. Affairs were, after all, much simpler and those to be considered were less numerous, so that the political heads were able to exercise a far more detailed and thorough control than would now be possible.

As Secretary of the Council of Ten, however, Machiavelli was in touch with the center of power, since it was that council which really decided on the direction of Florentine affairs. Machiavelli was both competent and energetic and, unlike so many of his contemporaries, he did not consider his position simply a locus for intrigue and a starting-point for his personal aggrandizement. He did have convictions as to what was the proper policy for his city and was not uncritical of his superiors. It was his desire to be consulted, to use the analytical acumen he knew he possessed for the enrichment and guidance of others, who had the power to effectuate his policies and further the views and aims for which he stood.

His office was important, from our point of view, not because of what Machiavelli did with it, but because it gave him an extraordinary opportunity to watch the inner workings of the politics of the day and to gain an insight into the operations of human motives as exemplified by the ruling group. Moreover, while he never achieved a higher position, he was on occasion sent on diplomatic missions both within Italy and to France. In the course of his duties he also visited Switzerland, whose military arrangements he greatly admired. Thence he gained, or at least strengthened, his belief in the value of a citizen army. Though the Swiss were the great mercenaries of Europe, they were at home the loyal defenders of their own republican institutions.

The missions on which Machiavelli was sent were, however, for purposes of observation, to collect information for his superiors: they were not the more important tasks of conducting negotiations and concluding alliances. It has frequently been stated that those undertakings were something less than suited to the magnitude of Machiavelli's gifts. Yet even his own accounts suggest that his true talents were those of the observer and that, despite his reputation for cunning, he would have proved of but

little value to his city in intrigue with the guileful and perfidious persons whom he encountered. This seems the more likely when we realize that he readily indulged in hero worship and was facilely seduced by the charm and vigor of great men of action, even while intellectually not unaware of their designs. This is clear above all in his attitude towards Cesare Borgia. He met that unscrupulous and talented adventurer but once, was deceived by him, succumbed to his personality, and worshipped his memory ever thereafter, making him the model for *The Prince*.

For us these missions are important in that, first, they taught him the value and possibilities of genuine leadership, and, secondly, they suggested to him the techniques it must employ. He also became aware of the dangers of foreign alliance and of the Italian readiness to encourage alien troops to cross the Alps. One may also venture to suggest that his idea of the value of a united nation was based on some observation of what was even then occurring in France, whither one such mission took him. Certainly it was the fear of foreign domination and the sense of anarchy in Italy, overrun with ruling families and *condottieri* and kept in perpetual ferment by a political and temporal papacy, that proved to be the touchstones of his thought. He came rapidly to recognize the value, and indeed the necessity, of union in Italy, were the prosperity and power of its various units not to be lost. He saw, too, that a powerful and determined government, whatever its character, was the only means whereby this end might be achieved.

Such a government could scarcely succeed without a strong and loyal army. Mercenaries, on whom the prosperous city-states normally relied for their defense, were neither well-disciplined fighters nor reliable employees. The people of Italy must therefore be taught to fight for their own cause, not to depend on others for the defense of their property and persons. Machiavelli tried to impress these views on the governors of Florence and proposed the creation of a citizen militia and the erection of suitable defenses. His ideas were seemingly accepted; but long before his plans were brought to complete realization they were abandoned on the ground of lack of funds.

Had Machiavelli continued in public life, we might, despite the rarity of the purely administrative type in those days, have known little of him, save through the chance perception of his ability by some scholar studying the detailed history of the day and being struck by the lucidity of his reports. Indeed, his fame might well have rested on his attempt to create a citizen militia in the place of mercenaries, an idea that soon became anachronistic, until in a later century vast masses of male citizens were drafted for the purposes of wholesale slaughter.

Happily, from our point of view again, the republic of Florence was overthrown and the Medici returned as the rulers and patrons of the city. With a lack of confidence in human integrity, not perhaps unreasonable in that time, however unwarranted in this particular instance, they refused to continue the eager Machiavelli, high official of their predecessors, in his office. Indeed, they were so ungrateful for his services to the republic that, with a callousness which in that day was perhaps an unusual mercy (though it may also have been a measure of Machiavelli's unimportance and powerlessness) they threw him into prison for a short time and had him perfunctorily tortured.

He was then allowed to retire to a small village outside the city, where he lived outwardly a peaceful and bucolic existence and devoted himself to family affairs and family life, enlivened, but not endangered, by occasional, and for the age moderate, indiscretions. His days passed peacefully with gardening, reading, and participating in taproom discussion with the rustics, with whom he was soon on good terms.

It was in this period of retirement that he wrote the work on which his fame depends, namely, *The Prince*. He also began that *History of Florence* which finally brought him a morsel of comfort and some slight patronage, though no genuine public position, from the Medici. During the same period, with the typical versatility of the Renaissance man, he composed a few plays, at least one of which, *Mandragola*, is by no means inferior work and can be read even today with pleasure. It was a period of digestion and expression, to which alone we owe his important reflections on the science he had in happier days practiced, in however humble a capacity.

It is his behavior in this period that has brought upon him severe criticism as a time-server and sycophant, in that he so humbly petitioned for recognition from those whom he might, as a courageous man, have been expected to scorn. Yet the very persistence of his efforts robs the accusation of some of its sting. It might have been politic for one who had offended unwittingly, and been spared, to make a few formal protestations of loyalty and devotion. Yet such a one would scarcely have persisted in view of coldness and indifference. One can hardly help feeling that Machiavelli's statement that he was interested in wider matters of national well-being and desired an opportunity to serve and advise, with a hope of realizing his ideal, was not insincere, however optimistic.

Nor can he justly be accused of being one who was personally unhappy when absent from the inner circle or deprived of the joys of city life. All the evidence is that, after a period of maladjustment, he became reconciled to, and even enjoyed, his simple life. It may, of course, be true that his concern for the state was simply a rationalization of the desire to be active as an adviser and administrator and that his reconciliation to his lot was but a proud pretence of readjustment or an intermittent case of sour grapes. That he believed that he could give valuable advice is true: he was not inhibited by undue modesty, real or false. Letters to friends may portray a lazy, restful idyll, but he followed political events with care and was not averse to discreet, and even importunate, wire-pulling. This, however, was based on no courtier's desire to be in intimate contact with the great, though he was not entirely averse to basking in reflected glory, nor yet on that petty and curious ambition, frequently found in men with a capacity for greater things, to be able to inform a host of less fortunately situated admirers and friends of the latest political doings, actually or supposedly secret. He felt that the land he loved had fallen upon evil days; that a fate yet more dire threatened; and that he, and perhaps he alone, held the key to its salvation. This may have been extreme conceit. Yet artists sought and demanded patronage that they might express their genius for the delectation of a few: was it then not justifiable for an artist in politics to ask at least as much with a view

to the salvation, not simply of a city, but of a whole country? As he watched incompetence and shortsightedness missing opportunity after opportunity and bringing disaster after disaster, Machiavelli was plunged in atrabilious gloom. He foresaw inevitable doom, with decades, if not centuries, of suffering for the land he loved. History was seemingly to confirm his diagnosis. Whether his cure would have worked, had it been tried, is, of course, a very different question. Machiavelli was a closet Bismarck who did not find his emperor, or, perhaps more nearly, a House without his Wilson. He was, at least, spared the disappointment of ultimate rejection by his leader, as also the saddening discovery that his hero possessed feet of clay.

Leadership: the Means to Create a Nation

Machiavelli's tragedy consisted in his capacity to see at once the virtues and potentialities and the limitations of the man of action, and to believe that the latter might perchance be overcome. A superb observer and analyst, imbued with practical idealism, he was deprived, by the circumstances of his life and time and the defects of his own character, of the opportunity even to attempt to execute his plans.

With a reputation for hardheaded realism and for a cynical disregard of the nobler virtues of his kind, he is nevertheless in the last analysis an honest administrator, perpetually subordinate. In his public life he was without the capacity to adopt the techniques, to use the force and cunning, which he so piercingly describes as the necessary attributes of successful statesmanship. It was only in retirement, in the quiet of his study, that he was able to portray the actual nature of man as a political animal, and to suggest for others what must be done if they desired lasting political success. Even this he does only because he is himself inspired with a wider ideal of statecraft than his Italian contemporaries, and vainly and optimistically hopes to discover a worthy instrument to achieve his purposes. He is a realist as against the hordes of his thinking predecessors and contemporaries who dealt with politics in terms of the Christian ethic and of the methods of scholastic reasoning, which were he-

coming increasingly inapplicable in the Renaissance world. Yet the realism consists, at bottom, in his psychological approach to his fellows, his willingness to observe how they behaved and what were their motives, and in his insistence that the science of politics should never forget that it is with such humans that one has to deal. His ends were purely temporal, but, in view of the wilful and energetic chaos of his day and land, they were hardly less utopian than the vision of the Schoolmen.

Leaders, he held, neither could nor should become different in kind from those they would lead; the difference should be solely one of degree. The strength and steadfastness of vision shown in the pursuit of ends formulated upon the basis of facts of behavior, rather than the profession of ideals, are the tests of the statesman, and it is likewise the theorist's task to analyze political behavior and to give counsel and a program to the active political leader. To be such a counselor, the equivalent of what we have today dubbed a brain-truster, was Machiavelli's supreme, and thwarted, aim.

As an analyst, he ruthlessly swept aside the thick veil of irrelevancies with which men had clothed their naked souls. He was realistic in the sense that Aristotle was—in analyzing the causes of changes and revolutions in the state. And if the teleology was different, perchance less sublime than Aristotle's, he nevertheless had a vision of ends nobler and wider than those of the princes and *condottieri* of his time.

He was a practical idealist in that he realized that, if these ends were to be achieved at all, they must be achieved with the help and leadership of those ruthless, ambitious, and amoral plunderers. Yet his practical idealism involved perhaps as naïve a faith as that of the churchman or the saint. The latter, with ecstatic vision and inspiring purpose, envisioned a united and peaceful Christendom based on love, and neglected, if not to observe, then at least to give due weight to, the chastening, saddening facts of men's behavior. Machiavelli, on the other hand, was surely shortsighted in thinking that selfish and unscrupulous outlaws and captains could use their force for the sake of the public welfare of a united Italy and forget the benefits, dubious but immediate, of facile intrigues with its enemies.

Indeed, his belief in the possibility of public-spiritedness is as articulate and perhaps as unwarranted as the faith of those whose view he was to spurn. In their faith in the possibility of developing a Christian conscience it might be said that they were, in the long run, wiser than he, since they saw that no lasting public well-being would be possible without a decrease in man's rapaciousness and in his inhumanity to man.

He was, too, mistaken in ignoring the power of abstract principles, of ideals which men would not willingly nor permanently abandon and for which they were on occasion prepared to sacrifice even the blessings of life itself. While he shares in common with other men of the Renaissance that essential emphasis on the human and earthly, which seemingly penetrated first and most convincingly into the Italian peninsula with its vast wealth and trade, his vision of the possibility of a united Italian nation was in that period little short of utopian. For us he may be the prophet of the national state; but then that Italy to which he gave his devotion was, as in the time of Metternich, but a geographical expression, coupled with a yearning for past glory which, save as a purely cultural phenomenon, was meaningless to his supremely vital contemporaries. The very ferment of their energy made calm planning and careful administration an impossible ambition, by reason of their incapacity to bear restraint. It was in other lands, where chill climes and controlled characters held joint sway, that his vision was first to be realized through the work of men like Wolsey and Richelieu.

Machiavelli's political ideas are contained in two works, *The Prince* (1513) and *Discourses on the First Ten Books of Titus Livius*. While in the last half century the modification in the conception of his ideas necessitated by the latter has been recognized, before that time it was from *The Prince* almost exclusively that most views about him were drawn, and even today the popular tradition still continues. The difference in the titles of the two works partly suggests the reason, particularly since the style and presentation, while not so disparate in form as those titles may suggest, corresponds somewhat to them. From the point of view of the ordinary reader, *The Prince* has the

great advantage of being short and what modern youth might conceivably call snappy. Its argument is clear and uncomplicated, its phraseology pungent. The *Discourses* are by no means dull, but he who runs cannot so readily read, while the number of illustrations from issues now purely historical if not completely forgotten is somewhat larger than in the other volume. Yet it might be remarked that neither work should prove a barrier to those brought up in a world of dull textbooks and ponderous scholarship.

We have already said enough to suggest that Machiavelli's approach was empirical, that is, his ideas were based in the main on his personal observation of the actual behavior of men and, in particular, of the behavior of those persons prominent in his day, with whom he had had contact and whose activities and triumphs were matters of popular report and almost universal knowledge, at least among the informed public.

If this was the positive basis of Machiavelli's reasoning, there was also a negative side to his approach in that he rejected all *a priori* concepts, idealistic and traditional ethics, and the whole corpus of deductive reasoning, which had marred political science, if not since the days of Aristotle, then certainly since Aquinas. One should, of course, beware of inferring that, because a man's presentation of his ideas is deductive in form, those ideas are therefore divorced from contemporary experience and unconcerned with the matters of his day. Nevertheless, Machiavelli is clearly original both in his methods and in his analysis. The works of medieval scholars and publicists, however vital their thought, are not readily intelligible to a modern man because of their peculiar structure. Machiavelli, on the other hand, may be read with both understanding and pleasure. He expresses ideas with which we are still familiar. Indeed, at the present time they are extremely vital. It might be said that he spoke our language, save for the fear of misleading the uninformed: mercifully, his thoughts are not clothed in that ponderous integument of technical and professional jargon with which, in this dubiously democratic age, we are wont to hide our meaning from the vulgar. His forthrightness has

greatly aided his survival and lent to his name an unwarranted notoriety: a moderate obscurity is a guarantee at once against calumny and against enduring influence.

Machiavelli's Historical Approach

Closely connected with Machiavelli's empirical approach was the historical spirit of which he was one of the heralds. Here, too, his realism and the general temper of the Renaissance, with its humanistic preoccupation, are in evidence. He has no concern with that apologetic history which marked the course of Christendom from the time of St. Augustine and which was to continue a major school in historiography down to Bossuet. Rather he turns back to the pagan political history of ancient Rome, as his contemporaries were turning to the human and earthly emotions of the rediscovered Latin poets.

This historical spirit illumines all his work, though it is much more in evidence in the *Discourses* than in *The Prince*. His *History of Florence* not only reveals it but is itself one of the most significant early pieces of historical writing done in purely secular spirit without any reference to religious issues, and with a very real recognition that history is something more than mere description of political and diplomatic events. This is the more remarkable when we remember that Machiavelli's dominant interest is in the sphere of *Politik*, when we recognize the limitations of the sources, and when we take into account the necessity for pleasing his patrons. Owing, on the one hand, to the comparative insignificance of the topic in terms of present-day affairs and to our own concern with world history and the nation-state, and, on the other, to the fact that he did have to write with an eye to the pleasure of the Medici, the book has not received the full attention it deserves. Indeed, because of its fulsome dedication and the belief that it was largely insincere hypocrisy, it has impaired rather than helped Machiavelli's reputation, adding one further element to the counts against him.

Machiavelli's secular spirit, however intelligible in terms of his worldly age, an age in which churchmen, with Popes and Cardinals as ringleaders and examples, concerned themselves

with the cultivation of the senses and the pursuit of wealth and political influence, was extremely novel in a printed work on contemporary public affairs. Indeed, even after his time such works remained rare; though reasoning from the Fathers and from the stars in their courses, without direct reference to the specific situation with which the writer was concerned, became gradually outmoded. But the Reformation, if it changed the types of arguments employed, led to a revival of ethical principles in political writing, however practical and self-interested their use.

Subsequently, the Age of Reason introduced a new faith, and it was not until the days of anti-rationalistic psychology on the one hand and disgust alike with political corruption and with the naïve democratic faith on the other that there was developed a genuine political literature comparable in its lack of illusions. The analyses of the muckrakers and of their perhaps more scientific successors are indeed closer to Machiavelli in spirit than most of the political literature of the intervening centuries.

Machiavelli's View of Human Nature

Machiavelli, like Lincoln Steffens, Kent, and others of their ilk, has no illusions as to the nature and behavior either of the political leader or of the citizens under him. He is fully aware that the great game of politics is not played, and cannot be played, according to the precepts of the Gospels. To him men are quite simply bad, being full of desires whose satisfaction they pursue remorselessly according to their varying natures. The differences between them depend solely on the length of their vision, on whether they are reckless or guileful. To expect of such persons a disinterested love of their fellows, or to believe that even the longest training can inculcate such an attitude, is profitlessly to delude oneself. If a strong nation is to be erected out of such material, it must be done by a skilled appeal to, and use of, these morally uninspiring characteristics, not by neglecting or denying them, and not by attempting to change them through prayer or preaching. Nevertheless, Machiavelli

does believe that such men can be formed into a unified state. He even thinks that it is possible to develop in them a kind of public-spiritedness.

Certainly he rejects the view that only perpetual struggle and miserable anarchy can result from the way of life of such creatures. On this ground he has frequently been accused of inconsistency. How, it is asked, could a good result be brought about through any conceivable functioning of such corrupt persons? But Machiavelli's end is not an ideal utopia, and he does believe that people are capable of some degree of enlightenment as to their self-interest. While a predecessor of the Utilitarians,¹ he is far less rationalistic than they. For he does not hold that men will or can know what is ultimately good and profitable for them. Masses, indeed, must be ruled by force; and it is not excessive to hope that, when confronted with the choice between support of the state or a considerable degree of physical suffering, men will generally choose the former as the lesser evil. Nor does he believe, when he says that people are bad, that their impulses and interests are always necessarily anti-social. Circumstances, environment, and conditioning will determine whether their pursuit of the fulfillment of their basic needs is socially harmful or otherwise.

All Machiavelli implies when he claims that they are bad is that their behavior is very largely wicked, as measured by the ideals of Christianity. He infers therefrom that it is futile to behave as though these ideals were normally prevalent, at least if one desires political success. His psychology, indeed, is closer to that of certain modern groups such as the behaviorists than to the dualistic and faulty psychologies that accompanied, and were reinforced by, Christianity.

Unfairness to Machiavelli in this matter has occurred more readily because he seemingly accepts the gospel virtues as essentially finer and cynically recommends their disregard in the

¹ A school of political and social thinkers in England, of whom Bentham (1748-1832) was the founder and, while he lived, acknowledged head. They believed that human beings pursued pleasure and avoided pain, and that happiness consisted in maximizing the former. Men calculated rationally before each action with this in view. The movement will be taken up in a subsequent volume.

interests of the power of the state. Certainly he admits that in the sphere of private relationships, and particularly in the family circle, the nobler characteristics of men can be allowed display. He makes, therefore, a fundamental distinction between private and public morality. This might be explained on the ground that, not being vitally interested in the individual's private life, he did not carefully analyze his behavior there and simply accepted the current conventional views.

Another interpretation is, however, possible, and indeed hinted at in his own work. He admits the social nature of men and realizes that their families and familiars are necessary to their own development, and are in some way identified with their interests and personalities, of which they form a sort of extension. Within the charmed circle benevolence and love are possible, but without it all is struggle. Indeed, that struggle is increased because one is fighting, not simply for oneself, but for the little battalion with which one is identified and within which one achieves oneself.

The question might then be raised, why cannot this attitude be further extended till one finally has that universal benevolence which we have seen is at the basis alike of Stoic and Christian philosophy? The answer is quite simple. Nature is niggardly; many men with ample and insatiable desires are struggling for a limited supply of the good things of life. As one desire is satisfied, three others take its place. Machiavelli was Malthusian¹ in psychology, if not in purely economic terms: desires increase far more than proportionately to the increased means to supply them. Whatever is true today, it is clear that then a scarcity economy did prevail; and if through the growth of commerce the Italian states were the wealthiest in Europe, the increase of their wealth had only increased the bitterness of their rivalry. Nor did the change in the highways of commerce teach them wisdom: newly established standards are not readily

¹ Robert Malthus's celebrated *An Essay on the Principles of Population* appeared in 1798. It was an attack on the hope of infinite progress and ultimate perfectibility expressed by William Godwin, the great anarchist philosopher. Its central thesis is that, while the food supply increases in arithmetical, population increases in geometrical, ratio through time. Hence inevitable dissatisfaction or misery is man's lot.

abandoned, and a contracting economy, far from producing mutual aid, led to more and more virulent conflicts between both individuals and states, till all alike were prostrate and exhausted.

Machiavelli did not state the economic interpretation of history, yet in this discussion the idea is implicit. It was to prevent conflicts in the pursuit of wealth from finally destroying all the states of Italy and to preserve the economic well-being which was becoming possible that he desired a strong nation. By force of arms the ruler should make it against the interests of any city to pursue its aims to the general detriment. By civil punishments the immoderate lust of individuals was similarly to be restrained. To eliminate greed was impossible; to make its hectic pursuit unprofitable in terms of safety for its enjoyment was within the realm of practical statesmanship. Men might want more property, as might cities, but they also desired to keep whole skins. Whether the desire for more might not overcome the fear of punishment was the question that Machiavelli did not sufficiently consider. Having departed from Christianity, he assumed that death was for earthbound men an ultimate evil. Subsequent experience at least suggests that those who will risk anything for gain, whatever the dangers, are fairly numerous. Indeed, the leaders whom he admired had a similar attitude, and were in truth precursors of our modern robber-barons as much as of present-day dictators. Moreover, in our present age it is questionable whether without the promise and possession of plenty any unity can be achieved, however great an appearance of unity may result from the momentary application of force.

While Machiavelli is eager to use private motivation by applying penalties in a fully utilitarian manner, he does so not in terms of any immediate concept of the greatest good for the greatest number, nor yet because he wants the individual to get the greatest possible joy out of life. His purposes are essentially national, state purposes; and not the least criticism of his ideology is that, while recognizing the nature of the individual, he entirely subordinates him for external ends of public good.

Indeed his *The Prince* is more suitable as a private memo-

random to a ruler on how to fool his people for objectives in which they might not share than as a public avowal of what should be done; and it is to be kept in mind that he wrote it with the former object, only publishing it when he realized that his hopes of presenting it to a worthy leader were illusory and that, failing publication, his precious reflection and advice might be entirely wasted. While he advocates a hypocritical cloak of virtue, he fails to realize the extent to which ideals as well as immediate material interests play a genuine part in human activities. If he is aware that men cannot live without bread, he underestimates the degree to which it is true that they cannot live by it alone.

To offset this criticism, it is well to remember that he recognized as a fundamental purpose of government the gaining of security. Perhaps he identified this too simply with formal order. Yet he did live in a chaotic time; and the danger that, unless the Italians gained security and unity for themselves, they would succumb to foreign domination and lose their well-being through costly strife was perfectly real. Time, in short, was then the essence of the situation. It was not unnatural that Machiavelli, aware of the emergency and seeing Italy confronted by states already well organized and thoroughly ambitious, should look for a short cut, provided only it were sure.

The Prince: a Program for Troublous Times

The Prince, after all, is the solution of the problem of establishing a government that must first create, and then protect, Italy. Machiavelli himself does not pretend that his scheme constitutes the best system of government for all peoples at all times. He feels, simply, that in his particular time the individual must be immediately sacrificed lest in the long run worse befall.

Trained in Roman history and brought up in the Florentine Republic, his natural bent is towards republican institutions. Yet he admires particularly the cunning Roman device of a dictator for use in periods of danger and perceives that his own Italy is in the midst of such a period. His prince is modelled

on that officer, even though, in view of the dissimilarity of the two periods, he is a dictator with a difference.

The Discourses: Government in Settled Periods

In the *Discourses* he presents a very different picture. There he limns the features of a government and people that feel themselves united and secure, where the problem of military preparedness is not the most pressing issue. There, too, he takes a somewhat kindlier view of the nature of the human animal. For he states that, while men are self-interested, this self-interest may develop into public-spiritedness. Knowing the conditions of their well-being and anxious to protect them, they will readily take part in affairs and will, on the whole, conduct them wisely, provided no severe crisis intervene.

But a republic thrives only when there is time for the slow processes of political activity to exercise their educative force. Moreover, republics are subject to factions which prevent their achieving any speedy unity when necessary; while in any case debate, if it may normally produce a wiser solution, wastes time and makes impossible the achievement of that unified planning which is in the interest of the citizen body when the enemy is already at the gates.

As the subsequent history of Italy shows, Machiavelli's fears were not groundless: he possessed considerable insight into the nature of his compatriots. It may nevertheless be questioned whether a republican form of government is as incapable of emergency action as he believed. One must, however, remember that the republics with which he was familiar were republics dominated by aristocratic families with a habit of indulging in personal and family feuds.

More important as a criticism is his failure to discuss or to solve in any convincing manner how the dictatorship may be liquidated when the emergency for which it was designed is past. Hitherto, certainly, historical experience suggests that the possessors of power do not readily relinquish it; and its abolition may require armed force and struggle, which themselves create crisis and threaten security. It is, of course, true that after such

a revolution there may be a gradual widening of the basis of power, brought about by concessions, though the giving of genuine concessions is possible only under rather special circumstances.

Techniques of Government

From a consideration of Machiavelli's views as to the proper objectives of statecraft, we now turn to the analysis of his ideas on the techniques of government through the use of which those objectives may best be achieved. These are drawn mainly from *The Prince* and apply in times of disorder, though he also makes some significant statements in the *Discourses*.

We have already seen that he accepts generally the idea that men are to be ruled by fear. We must note, however, that he distinguishes between hatred and fear very carefully. Hatred would produce deep animosity in the hearts of one's subjects; and to provoke it is not so much immoral in the ordinary sense as politically unwise. Men may be prepared to obey even harsh laws through fear of the sanction, provided those laws are general in nature. But arbitrary rule, with the prince using his power for purely personal ends against those whom he does not like, will create resentment among them, if they are allowed to survive, and among their families and those connected with them in any case. This provides the basis for conspiracy and revolt and introduces a quite unnecessary element of danger into the ruler's position. It thus hampers rather than aids the achieving of the national state, which alone justifies his existence.

Extreme severity may be absolutely necessary, but it is wiser once and for all to cow the populace and make it clear that one will stand no nonsense. A harsh act or series of acts at a given moment is better than the inauguration of a reign of terror, continued arbitrarily and perhaps spasmodically over many years. For then men will live in fear of the unknown, uncertain what may bring ruin upon their heads, forever wondering where the next blow will fall. This may keep them in palsied submission for a time, but it will make them resentful and will prevent their readily coöperating in the carrying out of one's schemes. The

apparent continued success of certain modern dictatorships may lead one to question this. Yet it is well to remember that in Soviet Russia, at least, the peasants caused considerable annoyance to the powers that be by passive resistance, induced by unwise harshness.

In particular, Machiavelli warns his tyrant to beware of breaking up the homes of his subjects, either by stealing their wives or their money. In general this serves no political purpose, while it outrages men in their strongest feelings. A man, he holds, with perhaps undue cynicism, will more readily forgive the execution of his mother than the arbitrary seizure of his wealth. In short, if the tyrant has to be harsh towards his subjects, he should nevertheless avoid the appearance of malice and of immorality. Indeed, while Machiavelli is not concerned with the regularity of the ruler's sexual life on the usual grounds, he seemingly asks of him a degree of asceticism that would have been hard to find among Renaissance potentates. Perhaps discretion in indiscretions is enough, though Machiavelli rightly fears that an unduly sensuous prince may confuse his personal desires with *raison d'état*. The same applies, *mutatis mutandis*, to acquisitiveness in its ordinary sense.

The prince would also do well to attempt to gain support and devotion from the masses. This is fairly simple, since they do not come into intimate contact with him, and *omne ignotum pro magnifico*. But he can increase this initial prejudice in his favor by careful use of public appearances and by a wise exploitation of the pageantry of public life. A reasonable magnificence and a consistent stressing of certain qualities will establish in the public mind a stereotype that will command allegiance. Machiavelli was not unaware of the force of public opinion or of the possibilities of propaganda techniques, even though in his time dictators were not so fortunate as their modern counterparts in the possession of a wide range of propaganda instrumentalities.

At the same time the prince is warned of the dangers of the small upper class of aristocrats, who will know the prince from intimate and normal contacts and in whom familiarity may too

readily breed contempt. Aware of their position, they may be anxious to improve it and will see no reason why they should not aspire to replace the leader to whom they owe a purely nominal allegiance. Moreover, their names will also have a propaganda value and will be known to the populace almost equally with that of the prince; so that to the dangers of court intrigue will be added the threat of alternative leaders for the masses. This danger was particularly real in the Italy of the Renaissance, cursed as it was by a plethora of great names and ambitious swashbucklers. Nor was there a tiny group of giant capitalists whose support was manifestly necessary or uniformly decisive.

The prince must be prepared to be lonely. That is part of the price of power. Indeed, Machiavelli seems to think it desirable for him, when he has attained his position, immediately and publicly to remove, under guise of reasons of state, all dangerous and politically minded persons of good family. Those whom it is unwise to exterminate should be driven into distant exile. In this connection, he quotes the fable of the poppies, attributed to the old tyrant, Thrasybulus. Walking through the fields with a friend, he was asked how he managed to keep his power. He simply turned and with his stick decapitated the highest poppies growing among the wheat. This lesson, at least, Mussolini has well learned, as is shown by his treatment of Balbo and other potential leaders; while both he and Hitler are well aware of the value of a definite and consistent image of themselves in the public mind.

Machiavelli, then, advocates reliance on the masses. He also urges preservation of public customs and institutions, or at least of their forms, in so far as these are not inconsistent with the *raison d'être* of the prince. The setting up of a dictatorship or tyranny is in its essence necessarily a governmental revolution. But it need not be a social revolution; and the wise prince will try to minimize the revolutionary nature of his regime. Men are largely creatures of habit, possessed of, and often by, deep though irrational loyalties. The prince who respects their ways of living and who, like the early Roman emperors, tries to preserve the ancient forms will appear less of an innovator and

will be much more secure because less subject to unfavorable comment. In this respect he should follow the maxims, "let sleeping dogs lie" and "do not stir up a hornet's nest."

Closely related to this policy is Machiavelli's treatment of religion. Needless to say, he was not personally a man of deep religious feeling, though seemingly he conformed in his outward behavior. But he realizes, as Voltaire later was emphatically to state, that religion is a useful support of social order and is of political value.¹ An attack on the Catholic religion would, in the first place, stir up opposition to the ruler from all the vested interests of a mighty hierarchy. Secondly, it would be an interference with a basic institution. Thirdly, it would constitute an unwise provocation for scepticism, which might later be applied to politics. Moreover, the prince, by taking part in public religious ceremonies, can at very slight cost gain a reputation as a moral and upright man. If people are prepared to forget and even secretly to approve private vice, provided it be not too outrageous, they nevertheless desire publicly a show of decency in their rulers.

Further, by supporting religion the prince will not only get the support of the church and receive the valuable cachet of its approval, but will also, by preserving the public performance of its rites, be able to supervise and direct its teachings where they impinge on practical affairs and to insure that priests use their office as supporters of the regime. Despite his failure fully to comprehend the nature of religious belief, Machiavelli is well aware that a suppressed and secret church is far more dangerous politically than other forms of subterranean opposition and hidden resentment.

The Sphere of Force and Guile

Nevertheless these are, after all, but public techniques; there will be occasions, both in diplomacy and in government, when naked force and more sinister craftiness have to be employed

¹ See Ch. XXIII. Voltaire, of course, attacked bitterly the Catholic Church in the France of his day. But the circumstances were different, and both share the same essential viewpoint on this particular matter.

without any pretense of morality. These matters are the really vital ones in dealing with statecraft. Success or failure therein will ultimately determine what happens to the regime. A republic no less than a prince has to employ these, though the republic is at the mercy of the activities of many persons and cannot always avoid unfortunate revelations of its plans, or gain perfect unity for its purposes. When there are no clouds in the sky, its inevitable errors will not generally prove too costly.

As against such weakness, too, there may be set the positive values of party struggles that promote interest in politics and train men by developing that public-spiritedness of which they are capable. Even under the prince, party alignments in the masses are not altogether undesirable, provided the parties do not have too strong leaders and are not allowed to work against the prince. But the appearance, if not the reality, of issues keeps alive in men the illusion of having a share in the state; while at the same time attention is distracted from the person and practices of the prince when such attention might prove awkward.

Alike under prince and republic the army is of vital importance, not simply as a military force but as a civic institution. Machiavelli, rightly or wrongly, felt that any government that relied mainly or exclusively on the support of mercenaries was in great danger. The mercenaries might at any moment of crisis refuse to fight unless they received higher pay, and such polite blackmail was hard to resist. If unpaid, they might turn against the defenseless city that employed them; while in the best of cases, men who were fighting for money were not overzealous to lay down their lives for another's cause. Hence they rarely fought decisive battles; and this tendency was increased by their natural desire to profit from the permanent employment of a long, indecisive campaign.

Citizens, on the other hand, once they were committed to war, under prince or republic, would fight eagerly and boldly, realizing that their fate depended on the issue, that it was a case of all or nothing. In this respect, the public-spiritedness of republics might create more zealous soldiers, but the prince had the advantage of undivided command and unchallenged responsi-

bility. Moreover, being also the civil ruler, he was less subject to the interference of civilian bigwigs.

This whole problem of the army was one of Machiavelli's deepest concerns, and he had worked out a scheme for the defense of Florence and the development of a citizen army. One of his earliest works was devoted to an analysis of the art of war. Today this reads a little curiously, for since his time we have experienced, first the highly skilled professional army, with arms as a specialized career, and then the larger conscript army with the career soldier as a mere nucleus. In neither case is military life very vital as a stimulus to civic virtue, though militarization and the fighting of great wars have an all too obvious effect on subsequent peacetime activity. In this respect, Machiavelli was hardly modern, being scarcely aware of the curious uses to which scientific knowledge, still in embryo, might be put. Yet gunpowder made its appearance as an effective and important military weapon during his lifetime.

While Machiavelli thus endeavors to suggest all the necessary techniques, both political and military, for the creation and preservation of a strong state, he is well aware of the unpredictability of human affairs. Indeed, states, being both creations and congeries of human beings, subject to inherent weaknesses based on human fallibility, apart from the casual accidents of particular events, necessarily go through cycles of change. Different forms are therefore suitable and workable at different times and places. Machiavelli, like Aristotle, accepts the cyclical theory of political development, though he states it in a less formal and rigid manner. The normal cycles of change based on circumstances can, however, be met through human intelligence and careful planning. It is the unexpected blows of fortune that prove ruinous even to the most capable prince. Machiavelli, it is interesting to note, is not a believer in strict determinism, in the possibility of applying to human society with complete success the principle of causality.

The prince's part is also made more difficult because, in any state, there is a tendency to disruption. Machiavelli is perhaps unduly aware of the anarchic elements in man's life and not sufficiently observant of the cohesive force of social institutions.

Yet once more the life of his time provides some justification for such an outlook. Government was almost entirely based on personal or oligarchic ambition and interest. The church had ceased to be a bond of union; and no other comparable institution had grown up in its place.

Nevertheless the solution that Machiavelli offers to avoid disruption was perhaps its major cause. He states most clearly that doctrine which has proved the curse of humanity ever since: to avoid revolt and discontent at home, seek glory by foreign conquest. The state must expand its area and unite its original subjects by giving them a sense of superiority towards their subject peoples. Yet it has been the costs of such wars, whether dynastic or not, that have made the condition of the peoples who indulged in them more miserable; and it was such adventures, alike by cities and by individual leaders, that were ruining the Italy of Machiavelli's day.

To him, however, the main problem was what to do with the subject peoples when they had been acquired. This was not a question of humanity or ethics: he was concerned only with ensuring that the subject people should not become, in their subjection, a new danger to the safety of their conqueror. If the latter treated them in a kindly way and made them allies, they might too easily remember that they were once completely free and might in a crisis join his enemies rather than himself, in the hope of regaining their former position. If the ruler made them purely subject, destroying their institutions and perhaps their tongue, their yearnings might be driven underground and he would be subject to continuous conspiracy; while any external enemy would complicate his problem in gaining victory by urging and supporting their revolt. Where the ruler had been able to appear as the champion of an unsuccessful but popular faction against the existing rulers, he was indeed fortunate, providing he was able to exterminate the leaders of the less popular group.

It was, Machiavelli held, probably wise in dealing with aliens to respect their institutions as far as possible and to use them, as one used the church, for one's own ends. Here, however, the lack of uniformity within one's dominions made harder the problems of technical administration. A firm benevolence with

a balanced compromise between the character and ways of life of the conquered and the desideratum of a strong centralized government was probably the best solution. This certainly had been the technique of the Roman Empire; and that empire had proved reasonably successful.

Perhaps at this point it is desirable to make clear the differences between the *Discourses* and *The Prince*. At the outset, it must be noted that there is between the two no real inconsistency, despite an appearance of contrast. The nature of those to be governed is in both cases the same. It is only the situation which differs. Indeed much harm has been done by considering *The Prince* as the central expression of Machiavelli's thought, with the *Discourses* brought in as at most a basis for modification of one's judgment of him. One gains a more accurate picture by accepting the opposite position, by treating the *Discourses* as a general philosophy, with *The Prince* as a special application thereof in a peculiar situation.

This does not mean that *The Prince* was not for Machiavelli the most important part of his work. It was. But that was because his time exhibited those peculiar circumstances and made his special, as against his general, theory most significant. In both works it is primarily with the stability and unity of the state that he is concerned. But, whereas in settled times stability is gained by the slow processes of government by discussion and participation, in emergency it is the strong hand that is necessary. In both works he recognizes that public and private welfare are connected. But, again, in a settled age the gradual education of the citizen through participation in government, when that is possible without danger to the state's safety, may produce and fortify public spirit. In a time of anarchy and disruption, public and private welfare must be connected by the artificial application of sanctions. Then is required a man of great vision and small scruples, prepared to do anything requisite to preserve order and create a unity where none existed before. Yet, if this is true, the interest of the prince is not opposed to, but at one with, that of his subjects. He depends on public need, and it is only through a recognition of this fact, and by conducting himself accordingly, that he can

hope to survive. The prince is a dictator for the public good, not a despot for his own pleasure and profit.

It is here apposite to make two closely related criticisms of Machiavelli's theory. He was aware of the selfishness of men and he hated the (to him) trivial ends of personal ambition that were the mainspring of the actions of the great fighting rulers of his day. Yet seemingly he hoped that a man like Cesare Borgia might be found who would employ all his energy for Italian welfare and forget entirely his personal aims, or who would at least find his personal fulfillment in some nobler activity than the defeat and destruction of men of his own race.

Secondly, Machiavelli, for all his realism, failed to recognize the corrupting nature of power. Aware as he was of the selfishness of men, his fear was rather that the strong man would be overcome through a temporary failure to use cunning or force at an appropriate moment than that he would, safe in his power, abuse his position and thus ruin, rather than preserve, the nation. The perennial difficulty of dictators is that they do arise to deal with a crisis, real or supposed, but that they are never prepared to recognize that the crisis is passed nor to surrender power once it has been gained. Even those originally inspired with the widest vision are too apt, in the course of time, to identify public well-being with their own particular position and policy. Nor, once dictatorship has been tried, is the transition to republican institutions easy. At best, it is achieved by a revolution, dangerous to that stability which Machiavelli so desired. More normally, however, the strong man continues in office till removed by death, natural or violent. Then follows a struggle over the succession; and, even granted the emergence of a new strong man, the problem is not permanently solved. Intermitent anarchy is not unusually the price of a dictator's order; and such a scheme of government creates the disease which ensures and necessitates its continuance. Had Machiavelli paid careful attention to the history of the later Roman Empire, he could scarcely have failed to recognize this vicious circle.

In fairness to Machiavelli, however, it should be noted that in both the *Discourses* and *The Prince* the importance of religion is stressed as a cohesive force. In both it is conceived of rather

as a social institution and a necessary adjunct of statecraft than in terms of its spiritual and mystical elements. The transition from one form of government to the other is thereby made all the harder, granted that dictatorship is not voluntarily surrendered. At the same time stability under either is more assured, while the possibilities of anarchy and chaos are greatly decreased.

Machiavelli's Concept of Liberty

The difference between the two works arises mainly when it comes to the question of liberty. For liberty is manifestly something that cannot be allowed in times of crisis, since it is then opposed to security. In settled times, on the contrary, it is synonymous with security, developing and expressing public spirit. It is, in short, sharing in government when participation can produce devotion without producing also danger. Essentially it is a luxury; and, in Machiavelli's judgment, the active loyalty of an active citizen to his state is less valuable as a means of protecting it, than the lack of unity is dangerous to its protection. Perhaps what he implies is that, when the state is safe from external enemies, liberty is the surest way of ensuring patriotism and preventing revolt. But, when enemies are at the gates, the dangers of internal opposition are less than the disaster of divided counsel; while such opposition can, granted a determined ruler, be exterminated. The death of a few is as nothing when compared with the safety of the greater part.

It is further interesting to note that Machiavelli considers law to be the basis of liberty—a certain, set, and known law. Here he becomes the strange bedfellow of the philosophers of the Enlightenment, and particularly of Montesquieu.¹ But again we err if we contrast this with a complete lack of rules on the part of the prince. The latter may have to do much by executive action for *raison d'état*. But as far as possible, he too should rule by established and known laws, and in any case he must avoid personal partiality.

In settled times a slow and deliberate wisdom is more desir-

¹ For Montesquieu, see Ch. XXI. Voltaire (Ch. XXIII) had the same conviction.

able than the capacity to make snap decisions; and here the people are superior to any one individual, since the latter, anxious to get things done, is not always careful to consider the long-term effects of what is done. But when emergency prevails, it is an idle and dangerous luxury to think about long-term problems. The need is rapidly to sum up the immediate situation and to act. Here the individual prince, granted he has the characteristics described by Machiavelli, is infinitely superior. What are these characteristics? Above all, he must be adaptable. This does not mean fickle or uncertain. It simply means that he must be sufficiently versatile to recognize widely different situations and to employ the proper method of dealing with each as it arises. He must not, that is to say, have any bee in his bonnet; and he must not sacrifice success in a particular endeavor to champion irrelevant principles. He must be a man of strong will and rigid determination, but this again does not imply stubbornness. Will must be guided by intelligence, and intelligence is shown in the power to comprehend the situation at the moment and to adopt the weapons most suited to a successful outcome in terms of the immediately possible. Republics, devoted to the slow processes of commerce rather than the swift decisiveness of arms, are too given to pondering and are anxious not to disturb their normally profitable ways of life. Hesitating and reluctant, they let the chance for victory escape. In their unwillingness to sacrifice aught, they lose all.

The Scope and Influence of Machiavelli's Teachings

By way of conclusion, it is necessary to do two things: first, to comment on the value and effects of Machiavelli's position in general; and, second, to suggest briefly the influence of his ideas. It has been said of Machiavelli that he was the first great advocate of the doctrine that "the end justifies the means," and, though that statement is properly attributed to Ignatius of Loyola, the founder of the Society of Jesus, the comment is, on the whole, fair. The position is criticized on the ground that means and ends are not two, but one; that life is a continuous process, in which techniques and methods influence and shape results.

One cannot achieve something ethically good by behavior that is itself wicked. Yet it is to be kept in mind that when Machiavelli called certain procedures to attain his ends bad, he did not necessarily regard them as immoral. For to him what was appropriate was moral. Rather he was apologizing for methods he regarded as necessary, but which, he was aware, his fellow citizens would at least profess themselves to contemplate with indignant horror. The real justification of this line of criticism rests on his failure to consider what unity was for, and on his willingness to subordinate individuals to the supposed necessities of the state, instead of regarding the state as a servant of the individual and an institution through which the latter might achieve well-being.

Yet more fundamental perhaps is the criticism already suggested above, namely, how is it possible, having set up a dictator in times of crisis, to get rid of him without disorder? Certainly it is curious that Machiavelli, distinguished for his realistic penetration of human motives, should have failed to understand sufficiently the nature of that power which he worshipped. Yet it was largely through the work of individual leaders, often driven by personal and family ambitions, that the nation-state was created; and it is a little ironic that the vast army of those who have justified its creation on the ground that it produced progress and made possible the economy of the modern world have condemned Machiavelli for his immorality. It is, after all, Machiavelli's recognition that a wider unit of government was necessary that constitutes his greatness, and if he was not able to envisage as practically possible a peaceful world, united under one series of institutions, that failure should not shock those who live today.

✓ While supposedly an advocate of force and a defender of militarism, his work may more fairly be read as a protest against purposeless strife and slaughter among those who have essentially the same interest and confront the same problems. Today the very success of his ideas, with the domination of the nation-state and the development of the doctrine of sovereignty which lies at its roots, has made the national ideal repugnant to liberals. Yet these same liberals condemn and pity the anarchy of China,

ridden by war lords, and are anxious for it to become a united nation for its internal development and for its protection against an aggressive neighbor. But the Italy of Machiavelli's day was analogous rather to modern China than to most of the western nation-states; and to blame Machiavelli for the aggressive nationalism of Mussolini is surely unhistorical.

At the same time it is perhaps relevant to note that, if in view of the welter of shortsighted individualistic leaders of his day it was perhaps naïvely idealistic to hope for a superman to create unity, Machiavelli was nevertheless not entirely mistaken in his belief that a strong hand might be necessary for the achievement of his purposes. Democrats and liberals may feel that dictatorship is never justified, but the practical politician has to consider the alternatives offered. Machiavelli, after all, was not one to advocate the overthrow of a well-established and soundly working democracy or republic: he simply argued that, in a world of squabbling princes, intriguing oligarchies, and savage *condottieri*, it would be well to discover a leader and harness his force for the performance of more socially useful tasks.

The influence of Machiavelli has, in fact, been the influence of misinterpretations and traductions of him. Immediately after his death there sprang up those who gained passing distinction by the force of their moral indignation against his base ideas. Ever since, he has been attacked by playwrights, pamphleteers, and political thinkers, and even kings have written against him. Frederick the Great as a youth wrote a denunciatory essay, before, on coming to power, he discovered in *The Prince* the most useful of guide books. Such denunciations were, of course, based almost uniformly on the exclusive reading of *The Prince*. They might be dismissed as ignorant and incompetent save that they succeeded, through their collective weight, in making Machiavelli a completely sinister figure. Indeed, the adjective "Machiavellian" has entered the language as a synonym for the collective serpentlike vices of mankind. It seemingly connotes cunning, duplicity, hypocrisy, violence, and all base forms of double-dealing; while by a strange process of popular thought Machiavelli has become identified with the devil, complete with horn and tail, in the term "Old Nick."

Modern scholarship has indeed revised this judgment; though by an irony of fate the first step in that direction was taken two centuries ago by a German named Christ. Yet the revision has not been entirely fortunate since, at least in part, it has taken the form of a justification of Machiavelli on the ground that he realistically described what the politicians have constantly done, and, by another irony of fate, the supposed archhypocrite has become a whip with which to lash the hypocritical.

The most recent use of Machiavelli has, however, been as a justification for the aggressive nation-state with its politics of power and its doctrine of discipline as the noblest of virtues. One's judgment as to whether the Fascist and Nazi in Italy and Germany were *founded* in terms of Machiavelli's theory of emergency needs will, of course, depend on whether one feels that an emergency existed, or could reasonably have been held to exist. On the whole the evidence seems to show that in neither case was disintegration an immediate threat; while in both a united nation existed, at least in comparison with the Italian situation of Machiavelli's day.

To surmise what a thinker might have said under quite different conditions is at best a hazardous undertaking. Nevertheless, it seems reasonable to suppose that the Machiavelli who in his own time condemned internal anarchy and advocated the wider unity of the nation-state would, under the conditions of modern technology and world-wide intercourse and of the continuous dangers arising from men living divided into armed camps, condemn international anarchy and advocate at least some form of continent-wide state. This is not to say that he would support the League of Nations or accept the techniques and moral aspirations of liberal internationalists. He would, no doubt, see the problem, as he saw his own, as one of harnessing power to discipline and order unregenerate men organized in predatory units. He might, in terms of contemporary European problems, conceivably argue for the creation by force of a state covering, for instance, the whole of Europe. That he would support Fascism insofar as that philosophy rests on the desire to glorify the nation as a final form of organization and on the worship of strife and death seems unlikely. He believed in

action, indeed, but he was no worshipper of mystical and mythical abstractions.

Bibliographical Note

The material on Machiavelli is voluminous. Students would be well advised to begin their study by reading *The Prince*, of which a readily available edition has recently been published by the Oxford University Press. The great English edition is, however, that of L. F. Burd. Apart from his scholarly introduction, it contains a prefatory introduction by Lord Acton—one of the finest essays existing on the subject. That essay may also be found in Acton's *History of Freedom*. There is a brief, but stimulating, essay on Machiavelli in H. J. Laski's *The Dangers of Obedience*. A great work that discusses Machiavelli's life and setting is P. Villari's *The Life and Times of Niccolò Machiavelli* (2 volumes). While long and scholarly, it is not difficult reading—is, indeed, extremely interesting. A more popular account, which conveys admirably the feeling of the Renaissance, is given by R. Roeder in his *The Man of the Renaissance*. The connection of Machiavelli with Luther and the Reformation is discussed in Figgis's *From Gerson to Grotius*, Lecture III and in R. H. Murray's *The Political Consequences of the Reformation*, Chapter I, though the two viewpoints are interestingly different. In Part IV of J. W. Allen's *A History of Political Thought in the Sixteenth Century* there is a good and thorough chapter on Machiavelli, followed by one on Guicciardini, which it would pay the student to read. An English edition of Machiavelli's works, containing the *Discourses* and the *History of Florence* is that of C. E. Detmold. The latter work is, however, more readily available in the Everyman series. A brief selection from Machiavelli's correspondence, illuminating as to his character, has been done by D. Ferrara.

CHAPTER XI

Luther and the Reformation: from Moral Reform to Nationalism and the Divine Right of Kings

The Character of the Reformation

THE Reformation, which in its immediate development consisted of the unleashing of a variety of forces and possessed unity only in the sense that all the reformers were attacking the organization and authority of the Catholic Church, produced and furthered in its course certain new political institutions and evolved some amount of political philosophy in justification thereof. Yet from the point of view of the theory of politics it is the later consequences of the Reformation rather than its immediate products that are significant. It is primarily because of these developments that it is necessary to investigate the movement and in particular the theories of the two leading reformers, Luther and Calvin.

The Protestant Reformation started out as an agitation for ecclesiastical reform and theological reinterpretation. In the first of these aspects it was at most a continuation of the Conciliar Movement, involving a denial of papal claims, urging a broader basis for church authority, and insisting on the necessity for the representation of the diverse interests, products of the new nationalism, in the church. The Conciliar Movement had failed, as we have shown, owing to the diplomacy of the Pope and his continuous contacts with church affairs on the one hand, and the division in the ranks of the conciliarists on the other. It should not, however, be assumed that the conciliar spirit died, that there ceased to be men aware of the

desirability of limiting papal authority and of the necessity of providing a channel for the safe expression of national sentiment within the universal church. Many persons within the church hierarchy were well aware of the dangers of existing arrangements. They were at the same time possessed of institutional loyalty, accepted the established theology and, with memories of the miserable divisions that had initiated the Conciliar Movement, were prepared with whatever misgivings to limit criticism in the interests of order and unity. Even men like Erasmus, who realized the need for reform and desired a broadening of the theological bases of the church, perceived the value of tradition and of the preservation of peace.

It was, therefore, the second aspect, the disagreement on theological questions, that turned the Reformation into a revolt. Undoubtedly the growing perception that reform within the church after the conciliar pattern stood little chance of success was not unimportant as a motive, while the sense of disgust at the corruption of the church, and particularly of the church in Italy, created, when combined with national feeling, a psychological readiness for a break. Corruption, however, was not new. There had been abuses before, if not so widespread or in such high places, and men of no less zeal than the reformers, but who believed unity essential, were prepared to work conscientiously and wait patiently for the elimination of evils. In the beginning, however, the makers of the Reformation possessed little sense of the value either of administrative organization or of the sacraments and services of the church. They had read the Bible and felt that the plain words of Scripture provided the sole basis of Christianity. If those words could be made available to the laity, a simple matter with the literary development of vernacular languages and the growth of printing, there would be no need for priestcraft, for elaborate organization, and for sacrament and ritual, none of which were, in Luther's view, enjoined by Scripture itself.

As we have suggested earlier in this work, there is a considerable similarity between Christ's insistence on the spirit rather than the form and the later teaching of Luther, who regarded the church very largely as an ecclesiastical organiza-

tion that had lost its sense of spiritual mission and had become confused in the complexity of its forms. The early church had soon learned that the free interpretation of gospel teaching led to a variety of interpretations and to a great development of radicalism threatening all political and social stability. Then this had been dangerous, owing to the disintegration of Rome. The reformers themselves destroyed Christian unity under the Catholic Church and opened the way for individual judgment. Individuals did judge, and the result was a new proliferation of sects and a new social radicalism, not essentially dissimilar from that of the early Christian world, and no less dangerous. It was soon found by the leading reformers that they had both to create a new ecclesiastical organization of their own and to give support to some sort of political authority. But because the Roman Church, despite inroads, survived, and because no reformer was strong enough or could gain sufficient support to overcome even those within his own camp who disagreed with him, it was very hard to build any widespread authority or effectively to enforce any church organization, the more so since many of the supporters of reform advocated toleration and there was no court of final appeal left. A movement that originated in intensity of devotion and stimulated tremendous and eager discussion of ethical and theological problems opened wide the road to rational criticism and the growth of scepticism.

The Stages of Luther's Life

The whole development may be studied in its various stages in the life and work of Martin Luther (1483-1546). Born in Thuringia, he came from a family of poor but free peasants, though his father was a miner. Despite such unpropitious origins he received a good education, first in the Latin Schools and then at Magdeburg and Eisenach. From the beginning he was seemingly of a religious temperament. Indeed, he was an enthusiast with a certain lack of balance, and it is not entirely unfair to interpret the occurrence of the Reformation as largely the product of his extremely ardent temper, of his unwillingness to compromise with evil and his desire for a rapid attain-

ment of perfection. He was perpetually at war with both himself and others because he and they fell short of the ideal. He lacked the willingness to submit to slow and thorough discipline and to be content with moderate improvement, and he had not that sad recognition, gained by the church as the result of its long experience, that human beings generally were incapable of sudden transformations that would also be profound and lasting.

After his studies were completed he spent two years in retreat with the Augustinians at Erfurt. Then, in 1507, he was ordained a priest. His brilliance and sincerity promised him a great career within the church. In the year following his ordination, he was nominated as Professor of Philosophy at the University of Wittenburg by the Elector of Saxony. In the following years he taught, endeavoring to improve himself and others. In 1511, however, an event of profound importance occurred. Luther was sent to Rome. There he was deeply shocked by the behavior and attitude of the higher clergy. Before that period he had been a conciliarist in attitude, but perhaps even more a mystical monk. He had possessed relatively little knowledge of the realities of the church, or indeed of the general nature of human behavior. Rather, he had been inspired by the nobility of the Christian vision and had assumed that others, at least when they belonged to the clergy, possessed something of his own enthusiasm. One can readily understand therefore that he should have been indignant at the behavior of those who were entrusted with the responsibility for Christian well-being.

He started out accordingly to reform the church. It was not his intention at the time to break with it, and one may therefore say that the Reformation, insofar as it was originated by Luther, was unplanned. On his return to Germany, indeed, he continued to teach and became Doctor of Divinity. The sale of indulgences in Germany by Tetzel was, however, a further shock to him, since in his eyes it appeared as the sale of something which the church did not possess and as the wicked exploitation of the faithful and ignorant. Tetzel, it is clear, had much in common with certain modern high pres-

sure salesmen. The sale of indulgences was not new, and, properly understood, an indulgence only involved intercession and a calling on the store of grace laid up by the saints to reduce the period of purgatory for the genuinely repentant. But it was very easy for those who were unscrupulous to make it appear that the church was simply selling a complete remission of sins and immediate entry into heaven. Moreover, while the church authorities never sanctioned this interpretation, they were at the time somewhat greedy and did not punish or denounce such behavior nor refuse the money so gained. Indeed one cannot help feeling that to some extent the Italian hierarchy countenanced the commercialization of religion and that some members thereof regarded sin, no matter how grave, as a convenient opportunity for plunder. The taking of large sums of money from Germany provoked the growing national consciousness, while the inference, however unjustified, that the opportunity for salvation depended on the ability to pay enraged the poor. Luther, who despite his mysticism and perfectionism was not unaware of the immediate conditions of the people among whom he lived and from whom he sprang, felt that it was undesirable for those already poor and struggling to suffer want supposedly on behalf of their souls, particularly since, departing from the church teaching, he denied that purgatory could be lessened by such methods, even when not abused. He felt that the monies went to Italy to support an expensive hierarchy and positively hindered the social service work of the church, as well as perverting it from spiritual concerns.

In 1517 Luther posted his celebrated ninety-five theses on the church door at Wittenburg. They were the outcome of his discontent with the existing Church arrangements and constituted his program of reform. While largely theological, they nevertheless showed his essential individualism and rationalism. They are interesting too as illustrating the complexity of Luther's character and the many seemingly contradictory elements in it. We have mentioned the mystical element in Luther's makeup, his essential feeling of a direct and clear communication with God, and his belief in the struggle between

good and evil, personalized, and directly present in experience. We have stressed, too, his crusading spirit. Certainly he was not prepared to live his own life regardless of the world, to become a saint of the church. In his reforming zeal he displayed a sense of the practical necessity of politics which was at variance with his seeming naïveté in the face of church practices. In posting his theses he showed this practicality clearly, for with an eye to publicity he nailed them to the cathedral door on the festival of All Saints Day, when pilgrims flocked thither.

At this time Luther was still, however, a member of the church, insistent that it should reform itself, but not consciously rejecting its authority. He did, indeed, interpret the nature of church power in the conciliar manner at a time when the conciliar theory had been rejected. In his theses, too, were statements as to the relation of God and man which did not harmonize with church teaching on the subject. But, while the manner of presenting his theses was, to say the least, novel, and, from the church point of view, improper, that he should present arguments for debate was not in itself damnable. On the contrary it was a perfectly normal procedure for persons to develop and espouse doctrines unless and until they had been questioned, examined, and condemned. But Luther, convinced of his rightness and of his moral superiority, had no intention of accepting condemnation. The truth of what he said was to him plain and evident, and it seems probable that he did not expect to be called to account. Here again he was either naïve or deliberately blind, since to accept his teaching would have implied on the part of a papacy, which had successfully overcome the threat of Constance and Basle, acceptance of all that it had rejected, as well as of yet more radical changes.

Nor did Luther do anything to conciliate the church. In the year following the posting of the theses he went on a preaching tour through Germany, appealing to the people for support. He also sent an exposition of his theses, which he published, to the German bishops. He was, naturally, called upon formally to defend his position and went to Augsburg for that

purpose. Before the cardinal, sent there by Rome to investigate the matter, he showed no humility, and in answering him quoted directly from Scripture. The break with Rome was final: the church was left no alternative but to excommunicate him. The Reformation proper had begun.

In the following years Luther published a number of works insisting on a return to the apostolic ideal, denouncing church corruption, and appealing to the German nobility for help in his campaign against Rome. It was in his search for support that he developed such political theories as are to be found in his works. While he gained considerable aid, his course was not easy. Going to the Diet of Worms in 1521, he found himself condemned by the emperor. He was, however, protected by Frederick the Wise, who took him into nominal captivity, during which he translated the New Testament into the vernacular.

Fifteen hundred twenty-five was a year of the greatest importance in Luther's development. In that year there broke out the Peasants' War, the result of the miseries of that class and of the interpretation by ignorant men of Luther's own teachings concerning equality. Luther, who needed support and felt the necessity for social order, particularly in such troubled times when anarchy was, as in the days of St. Augustine, a real threat, stressed the duty of obedience to earthly authorities and developed doctrines of passive obedience. In the same year, departing entirely from the Roman Catholic law, Luther married Katharine von Bora, who had been a nun, and in the following years he begat altogether six children.

It might indeed be possible to interpret Luther's reform psychoanalytically, to argue that he was a person of strong desires and that his outbreak against the church was the result of repression, and then of an unwillingness to repress himself any longer. This would probably be unfair, since he was quite genuinely a mystic with an intense religious conviction and a real insistence on right living. He denounced the monastic way of life, partly because he believed, as a nationalist in a period of growing economic opportunity and as one con-

vinced of the value of the social service work of the church, that monastic life artificially withdrew people from economically and socially useful operations, including ministering to the unfortunate. The earlier work of the monasteries as preservers of culture and as experiment stations for agriculture had ceased to be significant. In terms of his own experience he felt, too, that the celibate life was unnatural, while he could find no authority for it in Scripture. He did not agree with St. Paul that "it is better to marry than to burn." Marriage was for him no second-best. Moreover he was aware that monasteries did not always promote the pure life supposedly demanded of their inmates, and he disliked any hypocrisy. He was undoubtedly unfair to the church theory which demanded that an elect should withdraw itself from the world and pursue perfection unhampered by family cares. On the other hand it is equally clear that many of those who did live in monasteries or as celibate priests were totally unsuited to that way of life and harmed both themselves and the church by undertaking it.

While Protestantism generally, particularly in its Calvinist aspect, was to connect the idea of sex and sin in a far more extreme way than it was ever connected by Catholics, Luther's preaching of the desirability of the natural, but monogamic, life was a force in the other direction, and was not uninteresting as revealing the sense of the importance of earthly material welfare that became increasingly strong under the stimulation of economic possibilities.

In the following years he continued to fight against the opponents of temporal authority, and particularly against Münzer and the Anabaptists, who were essentially philosophic anarchists. In terms of that issue he argued the necessity for persecution of those who were mistaken and whose religious views led them to socially destructive behavior. Gradually, however, the leadership of German Protestantism passed into the hands of the princes, while Calvin in Geneva was giving a new development to Protestant ideas and practices. The influence of Luther gradually declined and his later years, while

still taken up with various controversies within the Protestant ranks, were relatively peaceful. He died quietly in his home town in 1546.

*The Relation of Luther's Political Ideas
and His Practical Experience*

It is now necessary to examine Luther's political and social ideas. These developed parallel with his practical experience and arose largely out of necessities of the moment. His writings were simply *livres de circonstance* and it is hard to find in them any consistent philosophy at all. Indeed he was not by training a philosopher. Being of an excitable temper, he usually overstated his position on any specific issue, while the struggle within him between a basic mysticism, which gave drive and meaning to his activities, and a very strong sense of what was immediately practical and necessary, created further confusion. As we have noted, he started out simply to reform the church, and in many ways he carried over into Protestantism the essential Roman tradition. The philosophy of his more moderate reformism is best seen, however, not in his own work, but in that of his chief disciple, Melancthon. The latter's theory was indeed in most respects a continuation of the scholasticism of St. Thomas Aquinas and contained very little that was new from a political viewpoint. Erasmus, too, that balanced sympathizer with the reformers, who found himself unable to make the final break, who was not a radical, but a humanist with a conscience, expressed in a less lofty and more urbane manner the earlier philosophy of reform with which Luther started.

Luther's original aim was indeed moral rather than political. He emphasized the importance of faith rather than works, in the sense of the performances of religious ceremonies, stressed the inner life, and argued the justification of individual judgment. Starting from doctrines of natural law and natural rights, he proclaimed the basic equality of man and his right as a member of the Christian brotherhood. This theory had much in common with certain philosophies of the first centuries of the Christian era and was universalistic in its promise.

Luther felt that priests were like other mortals and should not have special positions nor be free from control and punishment by the temporal authorities. The spiritual was for him closely connected with the economic, and involved also political ideas. The church had grown wealthy and to a certain extent lost the sense of its spiritual purpose and social responsibility, and many of the religious orders did not practice the poverty that they were supposed to observe. Luther felt that the church should be poor and that the property held by it within a nation should be subject to control and taxation by emperor, king, or prince. Thus the ideal of apostolic poverty was connected by him with the desire to keep property within the nation, with its use for national and general social needs, instead of giving it to Rome. At the same time he felt that rulers should punish churchmen who committed crimes in the same way and under the same law by which they punished ordinary citizens. Yet this in itself, while it tended to strengthen the state, was ancient doctrine, which had developed first in the Investiture Controversy and then in the Conciliar Movement itself.

Luther, finding the church unwilling to accept his doctrine, went further. He argued the priesthood of all believers and insisted that the Pope, imposing his own views both on organization and on moral reform, was antichrist. He rejected, that is to say, the rightfulness of the established authority and appealed to the plain words of Scripture and the judgment of the individual. Yet he did this with no sense that all men were good or of a religious temperament. On the contrary, it was his conviction that the true church consisted of a persecuted remnant within the body of an essential pagan society, a view not unlike that of St. Augustine. He stressed freedom of conscience and equality in men, as against the claims of the hierarchy, not because he felt that all were capable of salvation, but because his experience had convinced him that the hierarchy itself thwarted the genuine religious temperament and that the church organization included many who were not rightfully Christian at all, but pagan. Their power and the stress on forms by the church were simply bars to the living of the genuinely religious life by those who had a sincere faith and who

were striving for perfection. For the church services not only encouraged a corrupt and artificial existence on the part of the clergy and neglected to emphasize man's duty towards his neighbor, but also obscured the whole ethical teachings of the gospels and, through the distractions of ceremonial observance, hid from men the glory of God. Men were to be given free judgment and were to be considered equally that the few who were sincere believers might live according to their belief.

This, of course, was to destroy entirely that unity which had hitherto prevailed in Christendom. The results were somewhat other than Luther had expected. Once the concept of a single authority was rejected everyone could feel that he had just as good a claim to decide on the correctness of doctrine and the meaning of Scripture as his fellows. This sense of equality was fundamentally democratic. Yet its immediate result was anarchy, since it became rapidly clear that Scripture could be made to mean almost anything, and the agreement on interpretation was largely accidental. The result might be moral reform and a burgeoning of genuine religion, but it also meant implicitly the rejection of *any* authority and the destruction of *all* church organization.

Moreover, because of Luther's doctrine of equality, and as a result of his stress on the injustice of church taxation, it was very easy for the masses to go far beyond the claims of free and individual conscience and to insist on the need for economic and political equality, thus attacking not simply church but state. It was from this and from Luther's emphasis on one's duty towards one's neighbor that the Peasants' War resulted. Luther condemned that war and urged the nobles to "stab, strangle and kill without mercy" in order effectively to suppress it. It has usually been argued that he took this point of view since, being a poor monk in revolt against a mighty organization, he needed the support of princes. Undoubtedly this practical consideration influenced his attitude. Yet one should note that Luther did feel that most men were bad. Human nature did not through his preaching become perfect, unprejudiced, and unselfish overnight. There was still the need for some imposed order, for authority, lest the wicked triumph and the just be ex-

terminated. Here again Luther was following in the footsteps of St. Augustine. Philosophic anarchy may have been the logical conclusion of the Reformation: it was manifestly impossible of achievement in an expanding and greedy world where the lack of restraint from above would produce rather the anarchy of a Hobbesian state of nature.

Luther accordingly insisted not only on the rightness of the use of force by the state to preserve order, but also on the duty of positive submission to the temporal powers. This evidenced an abandonment of his support of the poor for the aid of the wealthy when he had gained the needed popularity in his struggle with Rome, and when it became necessary for him to have the organized support of the princes who had much to gain by the destruction of the church's power in Germany. Yet it seems perfectly clear that his sympathy with the poor was genuine and that his championing of the existing powers was by no means the outcome of mere immediate interest, but followed logically from his philosophy as to the nature of the true church.

In terms of his action here, as well as owing to his denunciation of the Anabaptists and his seeming abandonment of the doctrine of the free conscience in sanctioning the persecution of them by the state, he has been accused of supporting the doctrine of the Divine Right of Kings. Undoubtedly the theory of positive acceptance of the commands of authority could readily lead to this position, and did lead to it when princes took over the control and direction of the reform in Germany. Yet it is necessary to keep in mind that, while Luther appealed to the state against the church and denounced church corruption, he had little faith in political authorities. His *An den Christlichen Adel* undoubtedly appeared as a glorification of the rights of magistrates to control subjects and as a stress on the duty of obedience. Yet his political philosophy is more clearly stated in his *Von Weltlicher Uberkeyt* (1523). There he plainly shows his lack of any real respect for political authority and his recognition that princes and rulers are in general wicked persons. The majority thereof, like a majority of the servants of the church, are not included in the true Christian remnant. If rulers persecute, it is perfectly justified for subjects passively but

firmly to resist insofar as the attack on the latter is directed against their religious conscience.

*Luther's Views of the Temporal and
Spiritual Spheres*

While Luther had given up the church organization, he still retained the distinction between the spheres of church and state, of the spiritual and temporal. In the latter it was necessary for men to obey their rulers no matter how bad they were, since they were permitted by God and because the alternative was an anarchy destructive of the well-being of that very remnant which he considered so important. Men might think what they liked in the spiritual sphere, but it was not for them to upset temporal arrangements. The Anabaptists were to be persecuted, not because of their beliefs concerning the personal duty of Christians, but because as an organized social group they were disturbing the peace of the community. The theory of the absolute duty to obey even the worst of rulers, provided they did not attack one's personal beliefs, where one had genuine freedom to interpret the meaning of Scripture as one liked, perhaps proceeded in part from Luther's sense of the Christian duty of humility and submission. The true Christian would have the patience of Job and would endure any suffering rather than inflict misery on his fellows or do them any violence or injustice. Princes who used force cruelly were undoubtedly wicked, but their wickedness was no excuse for a lack of Christian meekness on the part of sufferers. There is in this doctrine a certain masochistic element.

Yet, whatever its logic, this line of reasoning scarcely solved the problem. Luther had himself rebelled against Rome because, as authority, it seemed to him to thwart the religious life and also to hamper the earthly well-being of the common man. While the state could not harm the inner conscience, it could, even more effectively than the church, create material misery for the masses subject to it. Though the Anabaptists were undoubtedly naïve in the hope for the perfection of philosophical anarchy, the general idea that in terms of the social element of

the gospel one might be forced to resist actively a tyrannical state was justified.

Luther, just as the medieval philosophers, saw all earthly authority as limited, and proclaimed the sovereignty of God and Scripture alone. But the medieval church, as the interpreter of God's will, had constituted a force separate from the state; and where subjects and rulers were alike members of the church, it could exercise an organized restraining influence on the temporal power, even though it might at times abuse its authority for selfish ends. Luther, attacking this organization, insisted that the priest was an ordinary citizen, subject like any other to the law of the state, and denied the right of active resistance when purely religious matters were not involved. In fact, he unwittingly gave complete authority to the political power. He had no belief in divine right himself. Yet the necessary outcome of his teaching was divine right, or at least the proclamation of the absolutism of the state and of the duty of conscientious obedience in any matter involving property and person. In short, Luther chose one horn of a dilemma: either he had to proclaim that religion did involve the attempt to create a just earthly society, and so to give aid and comfort to persons whose activities, however sincere, might lead to social anarchy and, since the majority were wicked, the destruction of goodness, or he had to divorce religion from the material concerns of society, with the result that existing government by the wicked would safely prevail.

While the state, therefore, was for Luther on the one hand a necessary authority that order might be preserved and on the other an organization dominated by men who were generally corrupt, he was yet able to make a further distinction that allowed him to support those German princes who sympathized with him. Though the individual must obey any state because of his duty towards God and the necessity for order, the state gets its rightful authority as a servant and protector of religion. The Catholic Church would not reform voluntarily. The state, Luther argued, accordingly had the duty to reform it and control it that abuses might be eliminated and might not re-occur. The only true law indeed is the law of God, which con-

sists of the basic gospel principles; but law on earth is necessary, and the state may interpret and fill the interstices in the law of God for the sake not simply of earthly well-being, but of promoting the interests of true religion. The state, not itself divine, nevertheless gains sovereignty as a corporate being with a moral purpose. Luther identified this state with its ruler, and, by an appeal to national patriotism, gained the economic and military support of the princes who wished to extend their power and could most readily do so at Rome's expense.

*Toleration and Political Obligation
in Luther's Teaching*

In the beginning, as we have noted, Luther stressed the claims of conscience, had been tolerant of dissent within the Protestant ranks, and had hesitated even to persecute Catholics. But his own remnant found itself confronted at this point by religious and social radicals who not only threatened order but denied the truth of Scripture as Luther saw it, while at the same time the church, anxious to exterminate what it regarded as heresy rather than either to conciliate or to reform itself, appealed for aid to the emperor, from whom Luther had hoped for much. Accordingly he insisted that it is the right and duty of the state to put down, and even to kill, the Anabaptists on one hand, and forcibly to prevent the public performance of Catholic rites, such as communion, on the other. The true church, the people with right consciences, are of course above the often wicked state. But rulers who belong to the Lutheran group may exercise their authority over religion to promote the interests of that group, to establish and protect its institutions from both internal and external aggression.

Moreover there was real danger to Luther's church when those inspired by his teachings refused to submit to princes and to pay taxes, and the example of Wyclif made it clear that princes were unwilling to support reforms which involved them in struggles at once with those in Rome and with their own subjects. They might find it convenient to break with Rome and to refuse taxes to the latter, either from themselves or from their

subjects. However willing they were that the church should return to apostolic poverty, they had no desire to do so themselves. The refusal to pay monies to Rome was useful since it left more wealth for them to tax for their own benefit. It would be harmful if it meant that they had to surrender their own privileged position.

Other reformers might well accuse Luther of lack of logic in advocating the free conscience, while denying the right to its effective exercise. Yet it is fairly clear that to him free conscience means simply that one does not have to accept one's faith from priests, to submit to cross-examination by them, or to confess one's sin to another and do penance. It does not mean either freedom to set up independent religious organizations or to oppose the civil government. In the sphere of external and temporal affairs the latter is without competitor. To obey the state's orders, however much one may differ from the state's policy as a matter of conviction, is a bounden duty.

Fundamentally the whole difficulty of Luther's position arose because in terms of perfection he had attacked an institution, however corrupt, which might yet exercise a restraining influence on the state, while, in terms of his recognition of the corruption of the average man, he saw the need for order and had to appeal to the only remaining authority that could effectively guarantee it. The practical result was that, since men were imperfect, it became necessary to accept even worse evils than those that had previously existed for fear of a total collapse of society.

Once one had admitted the right of individual judgment it became extremely difficult to decide who was a Christian. Even when that decision had been made and certain groups were condemned as not truly Christian, the question still remained as to what to do about them and as to who was to do it. Whatever Luther's original intentions, the final decision was that in each state the ruler must decide and the people must submit, retaining freedom of conviction purely inwardly. Belief was private. The practice of religion was a public matter to be regulated by political authority. The result was, of course, persecution rather than toleration, the object being to restore

social order by exterminating or silencing where possible those who disagreed with the ruler. This might work effectively where the group persecuted, however intense its conviction, was small in numbers. It was not successful where different groups alike possessed considerable power. There the appeal to the ruler as the person to decide on the religion of his subjects led instead to internal strife and a greater threat to the social order than was constituted by the original dissent itself.

Internationally, too, a similar anarchy was encouraged, since the intensity of conviction in the Protestant camp and the revival, with the Counter-Reformation, of a strong religious feeling among the Catholics made it appear the duty of both to fight for their truth and for the extermination of those whom they regarded as enemies of the soul's welfare.

The net result of this intense religious feeling was, paradoxically, at least in the Protestant group, a curious lessening of genuine religion as a social institution. For the sake of peace and order there was established the triumphant unitary state. There soon followed the proclamation of the Divine Right of Kings. Democratic claims were denied, the law of the land was supreme, and liberty was under, and not from, it. What the sovereign willed his people must accept. Obedience became the highest duty regardless of conscience. Men were citizens first and members of the church only secondly. Corporate groups had no claim to an independent existence: they were solely creatures of the state. Thus the concession theory of corporations became established in the public law of Europe. It was particularly important in Germany, where the Reformation was accompanied by the reception of Roman law. The latter substituted the theory of absolutism, with a nominal qualification that was readily forgotten, for the democratic concepts, derived from the German tribes, that had flourished in the medieval period.

Internationally, indeed, the position was somewhat different. Ambitious rulers carried on warfare, which arose from a combination of religious and national elements. And yet, the most sincere of princes was unwilling completely to sacrifice the material welfare of his realm for religion, even though he might be

eager to expand his territory and the area accepting his religion at one and the same time. It soon became clear, however, that no one power could triumph and that religious unity could not be restored. There was a deadlock. For the sake of earthly peace the matter was temporarily settled by the Peace of Augsburg. While that peace produced a kind of international toleration of religion, its basis was such as to strengthen internal absolutism and to recognize princely sovereignty. It rested on the admission, *cuius regio, eius religio*, whoever ruled the country had the right to determine its religion. But, as one Catholic has remarked, both epigrammatically and to a considerable extent truthfully, this might be translated "render unto Caesar the things that are God's."

The doctrine certainly was not acceptable to the persecuted of a country. Wars of religion continued even after international war was temporarily stilled. Moreover, the need for an effective argument on the part of Protestants involved in struggles against established Catholic rulers led to an emphasis on the democratic element implicit in the Reformation, although the fear of disorder might give that element a distinct aristocratic countenance.

It was a combination of such civil strife with an increasing recognition of the importance of national well-being that produced the struggle for toleration, first granted as a matter of political expediency, and not as of right. Toleration was useful where conflicting religious groups were so balanced that the extermination of one was impossible. This development, indeed, took place mainly after Luther's time, and was the product of Calvinism rather than of Lutheranism.

Such toleration as was achieved resulted from a recognition that religion was not of primary importance, and produced a new emphasis on material and earthly well-being, with the state as its guardian. The Peace of Augsburg might hold international warfare for purely religious ends unwarranted, but the glorification of the sovereign as the sole political authority soon combined with the growing struggle for new wealth and trade to produce that international anarchy, arising from political ambition, which has been the subsequent history of the

western world. This was made worse since the doctrine of the Divine Right of Kings proclaimed the duty of submission to the individual rulers: those rulers, ambitious for power, constituted a struggling international aristocracy whose intermarriage and dynastic intrigues kept Europe in a continuous ferment, regardless of any advantages for their peoples arising therefrom. Kings might fight for power and wealth, but such struggles were not always profitable to, and frequently imposed a terrific burden on, their subjects. As a consequence, the questioning and denunciation by Luther of the bases of authority in the Catholic Church and of its value in the promotion of religious well-being was ultimately transferred to the state in terms of earthly welfare.

In Luther's own time, however, this development was still in the distant future. Luther's reform had resulted in giving a moral sanction to the doctrine that might was right, or at least that might must be accepted even by the persecuted, who were permitted at most either to remove themselves to a more congenial clime or passively to resist. Absolutism, however extreme, was justified. The democratic and individualist element in Luther's theory had simply destroyed the power of the church to intervene in political affairs, to moderate the harshness of government, and to aid men to throw off tyrants. One who had started by condemning both church and princes as wicked had left the latter the sole authority on earth. The claims to primacy of secular affairs were fully conceded. Political quietism was held up as the citizens' highest duty.

Luther's Economic and Social Philosophy

Luther developed certain views concerning economic and social organization, as well as about political obligation. We have already noted that he believed in the natural life of man in the sense that he attacked what he considered the perversion of monasticism. He felt that a life amid the regular affairs of the world was necessary if one was to perform properly one's duty towards one's neighbor. This involved the twin ideas of effective economic production and of sincere social service.

He believed, further, that work was man's proper function and that the community had an interest in the performance of earthly duties by all its citizens. Certainly Luther treated monks and nuns as a useless leisure class, and at times he seemed almost to take the view that they were neglecting their duty in not producing population for the service of the state.

In the economic sphere proper he believes that economic inequality is necessary, and he believes so for reasons that would appeal to the modern Republicans. Inequality is a stimulus to work and to development of initiative. Consequently it produces greater earthly well-being. Yet Luther does not argue that man should be anxious to rise out of his established rank of society. Rather his duty as a true Christian is humbly to accept his lot and conscientiously to follow his *Beruf*, his occupation, doing his duty in that state to which it has pleased God to call him. Here once more he seems to find Christian virtue in humility and the acceptance of suffering. While he lived on the eve of capitalism, his views are not capitalistic, despite the stress on inequality. He is concerned rather with agriculture, believes firmly that land is the source of wealth, and in developing this theory anticipates to a certain extent the Physiocrats of a later date.¹ While he supports the authority of the landowner, he is also aware of the sufferings of the poor and insists on the former's duty towards them. As we have seen, his attack on Rome was partly based on the idea that if Rome did not take from their small income, the peasants would be better off. This might, of course, be interpreted as an attempt to defend the interests of the landowners, in the sense that there would be no ruinous obligation on them to look after the poor if Rome did not drain the nation's resources.

¹ The Physiocrats were a group of social critics in eighteenth century France concerned primarily with economic and financial reform in the interest of national prosperity. They are often regarded as the founders of modern economics. Their central thesis was that genuine wealth came from the land: they condemned industry and middleman activities. Best known among them are Quesnay, Dupont de Nemours, and Mercier de la Rivière. The great Turgot, while not a member of the group, shared many of their ideas. While they fall in the period of this volume, they will be taken up in its continuation, largely because their greatest long-term influence was on the democratic and agrarian philosophy of this country, from Jefferson on.

In the sphere of agriculture, then, Luther accepts to some extent a *laissez faire* doctrine. At the same time he is a nationalist and believes thoroughly in the value of the mercantilist system, the state control of trade and commerce. He is not at all anxious for a free capitalism and the growth of financial power. The Roman Catholic Church, while still condemning usury, had modified its earlier stand against all forms of interest and allowed the development of a money market. Indeed the Fuggers had grown wealthy as bankers largely through rendering services to the church and to Catholic princes. Luther felt that the peasants, from whom he sprang, were suffering partly through the exploitation of the new money economy. He condemned utterly all forms of interest and showed a fierce bitterness against financiers. Doubtless his seeming mercantilism was itself based on the desire, not so much to promote rapid economic development, as to see that that development should not enrich private individuals at the expense of the community. While certain of his ideas may have contributed to the growth of capitalism, it was from Calvin that the main connection between Protestantism and capitalism emerged.

Luther's economic doctrine seems, in our eyes, sometimes outmoded and sometimes modern. In terms of conclusions arrived at he does not differ widely from Bodin, the Catholic Politique, whose work we shall examine shortly.¹ Both, indeed, are nationalist and both are advocates of the sovereignty of the state. But where Bodin is a positive believer in the desirability of a strong nation-state and of the promotion of economic well-being thereby, Luther's prime interest is in a pure religion and in an almost medieval practice of economic justice. In the sphere of religion and economics he gives the state power, not for love thereof, but because there is no other to whom he may turn to preserve order, to promote social well-being and to restrain evil men.

Finally, it is perhaps worth noting that Luther appears to develop theories of racial nationalism. He wanted a united German church under the emperor, although he was disappointed in this wish, and he bitterly condemned the Jews as evil and

¹ See Ch. XIV.

socially undesirable persons. In both these respects he is today looked back on as one of the founders of the Germanic cult, and the policies of the National Socialists follow his supposed teaching. To him the Nazis make frequent appeal as one who truly anticipated their own Aryan doctrine. Yet here again, whatever the heat of his language, his views do not really justify this interpretation. He did, indeed, condemn the Jews, but he condemned them primarily on religious grounds, as the slayers of Christ and as enemies of the true religion. He also did desire a national church, but he desired it in terms of his conviction of the truth of his religious views, not as an appendage and support to national glory. Yet here, as ever, his very fervor resulted in his providing ammunition useful to those who were fundamentally antagonistic to his own purposes.

By the end of his career Luther's libertarianism was hidden and moribund. The apology of *raison d'état*, to which he had given countenance without fully realizing its implications, had become the basis of the public and constitutional law of a considerable part of Europe. The forces of resistance to arbitrary authority grew out of Calvinism on the one hand and Jesuit doctrine on the other. The radicals in the Protestant ranks, offshoots of Lutheranism, continued to protest and to suffer. Sometimes they found a brief asylum, as in Holland. But, in the Old World at least, they were unable to make their claims effective: the aristocratic basis of limitation on authority of Calvinism was safer, and consorted better with the new economic dispensation. Theories of free will, of rational criticism, of individual equality and of anarchic perfectionism were suspected by both opponents and proponents of Divine Right. Yet those radical ideas were a legitimate development of Luther's rejection of the claim of an organized hierarchy to set limits to enquiry and to impose religious regulations. The right of man to interpret the Bible and to reach God by his own path was Luther's significant contribution. Ultimately it would lead both to critical enquiry into the bases of all claims to authority and to a sense of moral responsibility on the part of the individual for the individual, alone, unaided, and uncontrolled.

Bibliographical Note

On the political ideas of the entire sixteenth century, J. W. Allen's *Political Thought in the Sixteenth Century* is the standard work. Full and scholarly, it is not difficult reading, and is full of penetrating analyses. Part I, Ch. I, deals with Luther and his disciple Melanchthon, while Ch. II examines carefully the theory of the Anabaptists and the issues between them and Luther. Allen also gives a more brief treatment of Luther in an essay on him in Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Renaissance and Reformation*, where may also be found an essay on Erasmus by J. A. K. Thomson.

For the Reformation itself, R. H. Murray's *The Political Consequences of the Reformation* is useful, being easy and interesting to read and not too allusive or obviously learned. Ch. II discusses particularly Luther's connection with Divine Right. Figgis's main ideas concerning Luther's political thought are given in Lecture III of his *From Gerson to Grotius*.

For the various ideas concerning toleration during this period, and particularly for the views of Luther, Münzer, and the Anabaptists, H. B. Bainton's edition of Castellio's *De Haereticis*, under the title *Concerning Heretics*, is extremely valuable and interesting: in his introduction he not only discusses the general subject but takes up individual theologians one by one. Of Luther's political ideas there is a careful exposition in L. H. Waring's *The Political Theories of Martin Luther*.

CHAPTER XII

Calvin's Theocracy: Ethical Aristocracy and Incipient Democracy

THE political theory of Luther was loose-knit and somewhat unsystematic. It was the product not simply of his attempt to reconcile the diverse and often opposed teachings of Scripture, but also of his practical difficulties in gaining support and in dealing with the changing politics of Germany in his day. Different emphases were necessary as different persons and groups had to be conciliated and attacked. Calvin, secure in a Geneva which he came increasingly to dominate, had not to face such problems and could on the whole afford the luxury of abiding by the consistent logic of his intellectual system. Even when Calvinism had spread elsewhere, Calvin himself remained somewhat aloof and left the task of giving a new emphasis to his teachings chiefly to his disciples.

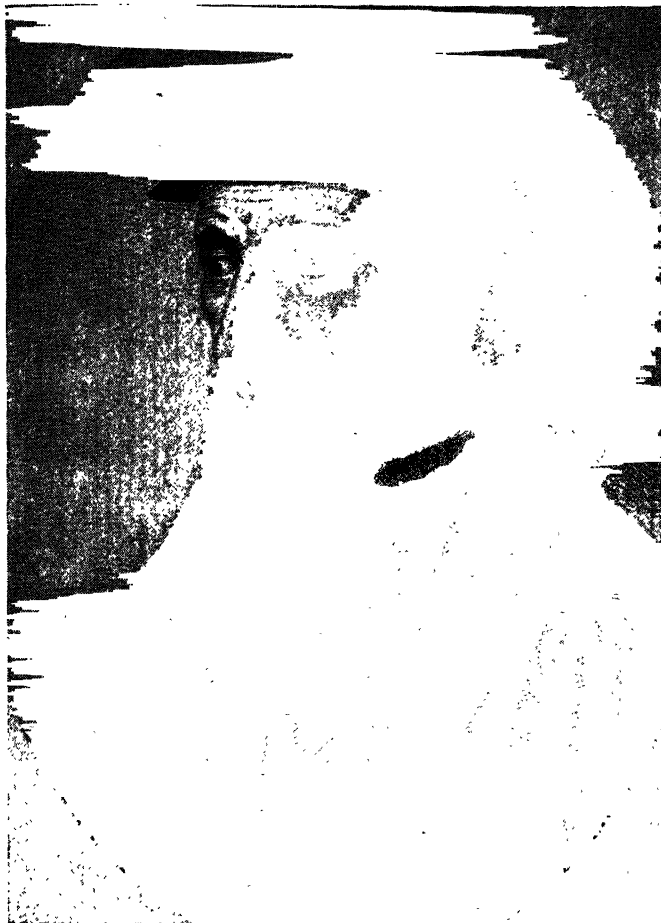
Calvin's Life and Character

John Calvin (1509-1564) was born at Noyon in Picardy. His father, Gerard Cauvin, was a lawyer there and was attached to the ecclesiastical court. The family was loyally Catholic and was to remain so. The father was apparently very anxious to give his children a good education. For Calvin he gained a benefice in the church to pay the expenses thereof. At fourteen Calvin entered the University of Paris and soon distinguished himself by his skill as a Latin scholar. While his father had originally intended to send him into the priesthood, he soon decided that a legal career was likely to prove a better means of advancement. Accordingly, Calvin studied law, first at the

University of Orleans and then at the University of Bourges. It was no doubt this legal training that led to his worship of logical structure and to his contempt for emotional nuances and aided him to construct his own well-knit ecclesiastical system at a later date. That system is further explained when we learn that Calvin, a sharp debater, was not popular with his fellow students, more easy-going than himself, and in addition had in his youth, as all through his life, to triumph over the frailties of a sick and weakly body. His whole mental attitude was, indeed, characterized by lack of sympathy with human weakness, though he was personally kindly, and even tender in his feelings. He feared the masses, untrained and illogical. He was an intellectual aristocrat, conservative and somewhat arrogant, eager for order and lacking the milk of human kindness when his own position was challenged.

Apart, however, from a training in law and theology, he received also an education in the humanities: the Renaissance was at the time exercising its influence on the French mind. Yet that training, instead of giving him wider sympathy and a sense of the beauties of life, simply made him aware of the growing irrelevance and uselessness of the system of belief and ecclesiastical organization which had dominated the world for centuries. Indeed, it is said that his Protestantism started with his study of Greek under Wolmar.

After finishing his legal studies, and following the death of his father, Calvin returned to Paris, and it was there that he underwent his conversion. He was forced to leave that city and found no resting place in his home town. He went to Basle, and in 1536 published the first edition of his chief work, *The Institutes of the Christian Religion*, the product of the application of legal logic to theological problems. This work he had the impudence to dedicate to Francis I, intending it as a protest against the persecution of Protestants. The next few months were spent travelling, but in the same year Calvin, passing through Geneva on his way to Strasbourg, where he intended to settle and study, was asked by Farel to remain in the city and help organize Protestantism there. He stayed some three years, but grew increasingly unpopular owing to his stern attitude.



John Calvin

He was finally driven out and became a professor of theology at Strasbourg. Yet with his departure from Geneva peace was not secured. Indeed, anarchy threatened. Accordingly Calvin, whose gifts as an administrator were recognized, was recalled in 1541. Though opposition to him on the part of the Libertines, a group resentful of his harsh discipline and desirous of earthly joys and indulgence, as well as of intellectual and religious liberty, continued for some years, his power gradually increased until in his later years, and particularly after 1555, he was virtually dictator of the city.

There he established a so-called theocratic regime, the celebrated *Discipline*. In theory church and state in Geneva were separate. The magistrates, however, had the duty of seeing that there was conformity to the religious teachings of the church. Hence the separation was more apparent than real. It consisted at most in a distinction of duties and offices, all of which were designed to the securing of one end. This was the more true since religion involved the total ordering of all human activities for the greater glory of God. Men's lives were minutely regulated and even the most trivial offenses against manners and morals were subject to punishment. Drunkenness was dealt with severely, dancing was forbidden, and even the duration of a card game was carefully regulated. Prostitutes were summarily thrown into the Rhone, while heretics were burned at the stake. Yet, despite its harshness, the system endured and became a lasting part of the Genevan tradition, not seriously modified until the middle of the eighteenth century. Indeed, its stern discipline perhaps favored its survival, owing to the external threats to Swiss liberty.

It is necessary, however, to inquire into Calvin's theory, not because it formed the basis of Genevan government and there was applied without let or hindrance in all its austere purity, but because his ideas spread to Holland, to Scotland, and above all to the New England colonies, where they resulted in the whole Puritan tradition, religious, social, and political. Moreover, those ideas had a tremendous influence on the general development of capitalism, which was largely, though by no means entirely, the work of Protestant countries.

*Calvin's Political Theory: Determinism
and the Duty of Creating Order*

The Institutes opened in orthodox fashion with the law of nature. Nature had its order, which came direct from God and was unchangeable by man. Calvin, like Augustine and various Christian philosophers before him, cannot conceive that God, who has ordered the material universe according to laws, has not likewise created human society in terms of fundamental and logical principles. The whole universe is, indeed, one, and that unity is the unity of a higher law, proceeding from God's will. How then should mere men have a right to change it? Written law is nothing but the exposition of the law of God and is contained in the Bible. Calvin, like other reformers, goes directly to the Bible and sees in it the only true laws of God for human society. Yet those laws must, of course, be applied to any particular society and regulations have to be made accordingly. Men, however, must not innovate: they must simply interpret by the reason which comes to them from God. Calvin assumes that his reason applied to the Bible is the only reason that produces the true and proper order and that opposition or difference of opinion is the result of ignorance or sin. Heresy can exist for him as clearly as for the Catholic Church. In his view, God has planned an orderly universe, based on law. It is for men to preserve that order and to create institutions that will carry out the will of God. Government is necessary among men since they are bad and will upset that order, causing displeasure to God. Positively, government means justice, the justice of the law ordained by God.

Such a theory nevertheless involves certain logical difficulties, and these the Calvinists have never completely solved. If men are subject to direct rules of nature, similar to those governing the material universe, does not anything they do conform to law and are not all acts part of an order intelligible to God, if not to man? But, should one admit this, what necessity or justification is there for specific legislators, who claim that they have a peculiar knowledge of God's laws and that they must set up a system to carry out his principles? The order they can so create

may, it is true, please them. But is it in reality the prevention of a disorder that pleases God? Surely what seems disorder to men is also part of God's order, if He does nothing save in terms of His infinite wisdom. It could, of course, be argued against this that both those who set up orderly systems and those who rebel against them are part of God's order. Hence, the system of Calvin is justified as the service of God if it succeeds. But, if it fails, that also is presumably God's will. Either human order is like the order of nature, perfect in its mere existence, or it is unlike it, and there is the need for a human creation of order based on a judgment that the existing arrangements are imperfect and bad. Certainly it involved a peculiar arrogance to assume that one had the complete knowledge of God's purposes, intentions, and desires.

The point is significant because it has been a usual assumption on the part of those with intense religious convictions and has led to an extraordinary lack of tolerance. In America particularly, the main Protestant sects have been able to shape social legislation in terms of their convictions as to what was moral and pleasing to God, with the curious result that this country, which above all others has proclaimed religious freedom, has also given the most extreme examples of interference with individual liberty arising therefrom.

The doctrine that it is the duty of the state to serve the church and to carry out its interpretation of the will of God was indeed fundamental in Calvin's thought; and he revived for his own purposes and with his particular emphasis the whole medieval theory of the two powers. Church and state were nominally independent, having different functions and different powers; but they were at the same time parallel. The state had to serve the church. The church interpreted God's will, and government could be truly just only if it was devoted to the carrying out of that will. The state, indeed, had a general concern with the establishment and preservation of temporal order, and here it enjoyed at least a nominal independence. But the church alone could decide all moral questions, and the state must provide suitable institutions and laws for the application of those decisions, and must always punish those whom the

church had condemned. This manifestly differed but little from the old Catholic theory and was, indeed, a repetition of St. Augustine.

We shall see, however, that actually state and church were, through Calvin, united in one body, and government became, in essence, theocracy, or, perhaps more accurately, bibliocracy, the direct rule of God in the state through His ministers on earth, with the Bible as the sole source of law. The essence of the Calvinist reformation was the rejection of the papacy and the insistence on the direct rule of God on earth. This theocracy is not entirely unlike Wyclif's theory of God's overlordship, save that it does not allow for any possible conflict between church and state. Christ is King, and He creates society, which in its turn erects both church and state for the perfect realization of an order pleasing in God's sight. The state, however, is little more than the executive arm of the church, which, once more as in Catholic theory, may not use force, since force would sully its purity.

On this foundation Calvin was able to set up a government in Geneva that centered actually in his hands. Its theory was that the synod, composed of Calvinist ministers, laid down a moral discipline, that the magistrates hunted out those whose behavior was offensive to God's order as interpreted in that discipline, that the Consistory and the Council had judicial authority, and that the magistrates thereupon punished those found guilty for their sins. The system was transferred to New England, where preachers denounced ungodly behavior, and once more the civil arm applied appropriate penalties. Calvinist government was thus essentially government by preachers. The previous centuries had been striving for the independence of the civil power. Calvinism once more proclaimed its inferiority.

Life was not, however, a preparation for eternity and an attempt to save all souls. Rather it was simply and solely the struggle to create and preserve an earthly order that would not outrage the Almighty. Calvin was aristocratic and, like Wyclif before him, believed that salvation was for the few rather than the many. Men were elected for eternity, and nothing they

could do would change their fate. This was the celebrated theory of predestination. Where Augustine had proclaimed that men had free will even though God had foreknowledge of their behavior and end, Calvin insisted that the will was not free, that God had decided who would be saved, and that nothing they could do could change this decision.

This was seemingly unjust, but Calvin once more insisted that the order and purpose of the universe were known only to God who was just, although His justice might not be intelligible to human beings. Indeed, it was more than justice: it was mercy. All men deserved damnation, but a few were chosen for salvation because the Almighty was tender-hearted. Paradoxically, it was from this, essentially an aristocratic concept of salvation, that the democratic element in Calvinism, which was to have so vast a subsequent influence, particularly in America, derived. If men were elected for eternity, and if, further, the knowledge of who constituted the elect was denied to man and known only to God, it followed in Calvin's judgment that there was no distinction between men on earth. All were equal and all were equally free. The conclusion from this might be the injustice of government and the rightness of anarchy. Calvin, however, makes a very different inference, insisting that liberty is simply internal, and that the creation of order is the duty of man.

This necessitates government, since some will destroy that order if left with outward freedom. Men must, therefore, obey their rulers, and obey them freely, that they may not disturb the order that is pleasing to God. The necessity for such free obedience may seem slight if men are predestined and their earthly behavior does not affect their fate. Calvin, however, assumes that, if one's earthly status does not affect one's salvation, nevertheless those who manifestly do things displeasing to God are unlikely to be among the elect. Obedience is, therefore, to be given because one's earthly lot, however miserable, does not affect one's final fate; while disobedience, if it does not affect it, nevertheless is presumptive proof that it will be an unpleasant one.

Nor must one agitate for social or governmental reform, since

what is, is ordained of God, and even cruel tyranny is part of His mysterious plan. By obeying, those who are subject to tyrants do not disturb God's order; while, since the tyrant is one who goes against right moral principle, the subject can always feel that his own chances of salvation are greater than those of his ruler. Moreover, the tyrant is God's punishment for human sin: hence one must meekly submit.

This, of course, again involves some inconsistency since it suggests that any order is better than disturbance; and thus conflicts with the idea that the state is justified only as an organ for carrying out the moral principles of order that are truly God's will. Further, to a modern man it would seem that, if salvation is only for a few, the majority, knowing the chances are slight, might reasonably conclude that, if they could have nothing else, they would at least have a pleasant life on earth. However, one should remember that in Calvin's time God was to most men an immediate reality, and an after life of rewards and punishments was believed in quite literally. Even for the most certain earthly well-being it was not worth risking the slightest chances of salvation, and, whatever Calvin might say about predestination regardless of behavior, people would believe that wrongdoers were clearly not among the elect, while the good, however lowly and unsuccessful, would always have some hope that God would single them out as recipients of His mercy.

The whole question of obedience and order was indeed a very difficult one. The earthly authorities ruled as righteous persons who were securing God's order. Because they were God's viceregents, they *ought* to have a sense of their obligation to rule justly. In fact, Calvin saw, they were often very far from just, being ambitious and selfish. They lived extravagantly at their peoples' expense and they made useless wars to extend their sway. Calvin, indeed, while recognizing the evil of war, does not condemn it as such, realizing quite well that the use of military force may be employed for the furtherance and protection of God's order and justice. Yet it may also be abused by wicked rulers. Moreover, war itself is an unpleasant thing. What, then, is the subject's duty? In the case of good Calvinist rulers

there can be no doubt. Where the ruler is wicked, obedience is still a duty because that is God's judgment. Further, if a tyrant is displeasing to God, He will send a deliverer. How one is to know whether a deliverer is genuinely such and how such a deliverer is to arise, when everyone as a Christian is urged to obey and to pray for his own sins, is not clear.

Calvin, indeed, makes certain further qualifications. A persecuting ruler may, under exceptional circumstances, be resisted, provided the body of elders and magistrates is convinced of the rightness of such resistance. Finally, the ruler who makes war against the righteous, who, that is to say, attacks Calvinist countries, must be opposed. When war is made it is the duty of the citizen to fight for his ruler. Calvin utterly rejects the idea of conscientious objection. Yet whether the citizen has the duty also to fight for a tyrant is by no means clear. In this whole discussion, indeed, it is manifest that Calvin desires the preservation of his own religion and even its extension, yet fears disorder and realizes that to grant freedom of decision in the individual may lead both to revolt and to conscientious objection from ignoble motives. The Calvinist soldier, he urges, should fight with a particular inspiration because of the nobility of his ends.

In general, Calvin's theory, like Luther's, and with far less qualification, is, immediately, the justification of absolutism. Yet, like Luther, Calvin denies any absolute authority on earth. God alone is King and all are subjected to Him. Practically, this qualification is not of great importance save insofar as it leads the Calvinist ruler to feel a deep sense of responsibility and to recognize his own weakness. Undoubtedly many Calvinists in positions of authority did have this sense, though the feeling that they were superior to the common herd and possessed a profound knowledge of God's will might lead to arrogantly despotic behavior in the name of duty. Further, the duty of submission to all rulers, save under the most exceptional circumstances, implicitly sanctioned the practice of purely arbitrary government by those who did not share the Calvinist viewpoint, however much the Calvinist might deplore such abuse of authority.

There was, however, another sense in which the implied limitation of authority might be significant. God was the sole

overlord, and on Calvin's theory external position was no measure of worth. This could readily lead to the emergence of democratic ideas and practices, to the development of the theory that all were effectively responsible for earthly order and well-being. Worldly distinction, and particularly the accidents of birth and wealth, gave no claim to authority.

*Calvin's Economic Theory: Its
Relation to Capitalism*

Calvin's views of economics similarly tended in the same direction. The individual had, it is true, a duty to submit to the existing property arrangements, and Calvin was a very strong defender of the right of private property. Hence presumably one should not be jealous of the more successful, and, insofar as they gained authority from property, should submit to them. But, because of the duty of creating order on earth and of promoting the best earthly conditions possible, one was bound to do one's job effectively, not simply, as in Luther, to show one's submission in the situation to which God had called one, but as a more positive social duty. Order involved careful application: the waste of time and resources was disorderly and promoted confusion. It was part of the Christian duty to live the sober and well-regulated life in all respects so that God should be pleased. Calvin did not indeed condemn earthly enjoyment, but insisted on moderation. To be well-dressed and live in substantially comfortable circumstances was perfectly proper, provided one was not wasteful, vainglorious, or conspicuous in one's behavior. Earthly display was vanity and showed a lack of proper recognition that one's position was given by God and was not the outcome of one's own efforts. Men must always be mindful that what they were they were through God's inscrutable purposes. To devote one's time to pleasures of the flesh, to indulge in an earthly materialism, might indeed give temporary satisfaction, but it suggested that, far from being among the elect, one was damned.

The result in an age of economic expansion was that men could not by any means spend all their money. They had to

be consistently occupied, since Satan would find work for idle hands to do. They must not by irresponsible living disturb the order of God's universe. They must not show off. Calvin and Veblen¹ are on all fours in their condemnation of conspicuous expenditure. As a consequence of Calvin's teaching, his followers accumulated savings. It was these savings, carefully re-invested for the doing of further work, which provided the necessary capital for the development of a subsequent commercial and industrial age.

The justification of property and the countenancing of substantial living readily led to the inference that those who paid proper attention to business and did not waste their time and substance in earthly folly were pleasing to God and blessed by him. Yet in theory one's position had no connection with salvation, and to labor instead of enjoying leisure was the common duty of all. Economic success could not lead one to heaven, though those who were successful through work and at the same time sober were very probably destined thereto. Yet the idea that all had economic duties and that all serious-minded persons shared in the creation of a pleasing order was in a real sense democratic, the more so since success did not of *itself* lead to heaven. Indeed, one may see in Calvinism the basis for political democracy combined with the acceptance of great economic inequality.

The economically successful, however, had in Calvin's system peculiar responsibilities and possessed no privileges. Because as successful men, presumably favored by God, their example might be widely followed, they had a duty to comport themselves soberly. Certainly they were not privileged to do things forbidden to less fortunate mortals. They were, moreover, subject to the same law, and because of their conspicuousness it was especially important that their offenses should be noted and severely punished. Here again was an essentially

¹Thorstein Veblen was the great social economist of pre-war America. He applied the analytical techniques of cultural anthropology to the phenomena of contemporary capitalist society. In his *The Theory of the Leisure Class* he stresses competitive and conspicuous expenditure as one of the chief manifestations of our wealthy industrial society. Implicit in his work is a condemnation of the current *mores* in this respect.

democratic idea, the idea of even-handed justice, rather than of class privileges and of a system of different laws and different courts for different groups.

Puritan capitalists, anxious not to waste time and feeling a responsibility to produce efficiently, might be harsh in their treatment of apprentices and workers. This harshness might be increased since they would also feel a sense of responsibility for those who were under their direction. They must not only not waste themselves and their substance, entrusted to them by God: they must also see that their workers did not offend against God's law by the sin of idleness. Calvin, however, condemned very severely the exploitation of the poor, and he certainly cannot be held responsible for the sins of current capitalism. A man, he held, should be paid a just wage for his work, and it was utterly wrong to employ him, because he was in need, at a lower wage than one would have been willing to pay in terms of expected profit. While employed, the worker should be kindly treated and the employer was responsible for his health, both spiritual and physical. He had authority only to see that the worker did not misbehave. While this philosophy might provide an excuse for exploitation and severity in the name of combating sin, and while it certainly contributed to the capitalist morality, in its pure form it was a real check on acquisitiveness. The early cotton manufacturers of Lowell represented the abuse of the theory, but New England idealism and humanitarianism no less had their roots in Puritanism.

Aristocratic and Democratic Elements in Calvinism

In theory magistrates, as well as those in positions of authority through private contracts, had a duty to those under them. They were responsible to God, and He would examine the account of their stewardship. In government Calvin believed in the rule of selected judges. These were, however, to be elected by the people. The basis of their election was their reputation for goodness. Rule was by the best, by a moral aristocracy, but the people themselves were the judges as to who deserved a reputation for goodness. Because of his belief in the rights of

property, Calvin did not extend this idea to the economic sphere. It was, however, applied in the church, where the presbyters, or ministers, were held to be dependent on the people even though elected by the limited congregation of those supposedly in grace. Yet these presbyters were at the same time the rulers, interpreting God's will and giving orders for the suppression of immorality and all forms of evil.

Practically, the congregations were ruled by the autocracy of Puritan principle, with their spiritual leaders as its mouthpiece. To carry out the functions of government, to see that God's will was observed, magistrates were necessary, and these must possess genuine power. Their task was to ensure that the state in fact functioned for realization of the good life, that is, for the glory of God and the preservation of religious purity. Offenses against God's order were grave, and for the Calvinists, both in Geneva and elsewhere, there were no venial offenses. Under the discipline of Calvin in Geneva particularly, men, women, and children were punished with extraordinary severity, and this severity was but slightly less, and in some respects greater, in New England. One discovers cases where children were harshly beaten at the order of the magistrates for innocently taking the name of the Lord in vain. For husband and wife to kiss each other in public on Sunday was an extraordinary offense. The excessive imbibing of alcoholic liquors was severely disapproved, though Calvin did not condemn moderate consumption of alcohol. In this country, however, the Puritans were the earliest prohibitionists. Wasting one's time in sporting activities was likewise sinful. Moral turpitude was, of course, beyond forgiveness. Immorality, blasphemy, and indications of a lack of serious-mindedness were all highly offensive to Calvin and to his successors.

Yet the magistrates, who were to be moral censors of the community and to spy out every possible cause of offenses to God, nevertheless lacked any special position. The authority was that of their office and function, and they were not held to possess superior personal worth. They were equal to, and not above, their fellow citizens, and as a result Calvinism again insisted on democracy, and even on a completely egalitarian de-

mocracy without any distinctions in terms of class or caste. Nevertheless it was not for ignorant men to assume that they were competent to interpret God's will. Certainly they had no right to resist their legitimate rulers. If they were ill-used, they might pray to God, and after that they must have confidence in Him and submit to His will.

This was a very convenient position for Calvin in Geneva. It was not so easy for the Calvinists in other lands, and before his death Calvin received appeals from his followers in France and elsewhere for advice as to what to do in case of positive persecution. While he continued to believe that passive obedience was normally the proper way, his aristocratic attitude and his conviction of the rightness of his faith caused him to admit that magistrates, but never the masses of the people, might resist a ruler who was manifestly destroying that order pleasing to God and preventing men from peacefully following their Calvinist consciences. Thus, he proclaimed constitutionalism by acknowledging that kings were not even in practice absolute. They had a duty to consult and follow the advice of the magistrates; while the magistrates, when convinced that the king was going contrary to God's will, might demand and lead an orderly resistance against him. This was the foundation of the monarchomachic theory which we must later examine.

The people, however, must always obey God and preserve His order. Unless the magistrates led them, they must assume that persecution and tyranny were pleasing in God's sight. If they could not worship as they believed that they should do, they might passively resist their ruler; but they had a duty also to submit to any punishment that the latter might impose. Uncomplaining martyrdom was their lot. Such a demand was easy to make from Geneva. It was hard to follow when one was actually suffering persecution.

When Calvinists were in power, they, of course, must create the proper social arrangements and they must not allow any misguided person to suggest alternative beliefs and practices with impunity. Indeed, lest heresy thrive and produce a displeasing order or disorder, and because the individual who held heretical opinions was fighting God, there was an absolute duty

on the part of the civil authorities to punish and exterminate such individuals when the ecclesiastical power had condemned them.

We hear much of the Catholic Inquisition. The Calvinist supported quite similar measures, although he may have lacked either the power or the need, according to his situation, so effectively and systematically to carry out his intentions. Nevertheless, in Geneva itself Calvin caused Servetus, another reformer, who ventured to dispute with him as to correct doctrine, to be burned at the stake; while, as we are well aware, heresy hunting in Massachusetts and some other sections of New England was at one time a popular and systematic sport, even though, apart from witches, it did not generally involve the death penalty.

Luther had insisted that, while men must outwardly conform to the prince's religion and must not organize in independent churches with social programs, their internal conscience was free; and indeed in matters of theological speculation, while he had disagreed very frequently with other reformers, he had generally admitted their right to hold their own views. Calvin makes no such distinction. To him the whole universe, including man's beliefs, was provided for in the Bible and there is one truth. Servetus was burned in terms of theological differences, not of a radical social philosophy, while Castellio, one of the great defenders of toleration, who attacked the burning of Servetus strongly, had previously been driven from Geneva for his lack of orthodoxy. For Calvin, indeed, religious persecution is to be carried out by the civil magistrates only on the orders of the church officials, and not in terms of the former's own desire for uniformity. Calvin does not, that is to say, support the doctrine that the ruler may determine the religion of his subjects. On the other hand the church officials may not only determine this question and insist that the magistrates carry out their decision, but may also attack the expression of belief, even though it is not an immediate provocation to disorder. Order for Calvin is the uniform organization of society according to his interpretation of Scripture, even though he is unwilling to sanction popular resistance to *any* government.

John Knox and the Doctrine of Resistance

Calvinism, outside Geneva, was accepted most thoroughly and speedily in Scotland, and it was there that the possible conflicts between presbyter and civil ruler first came to a head. John Knox (1506-1572) was the leader of Scottish Calvinism, and he found himself opposed to the Catholic Mary, Queen of Scots. He did not hesitate in proclaiming that an heretical ruler who refused to submit to the judgment of magistrate and church leaders could justly be deposed. Apparently he felt that his troubles were largely due to the fact that Mary was a woman, and he asserted that women had no right to succeed to the throne. Practically, of course, he wanted a man because he believed that the male heir would accept the Presbyterian point of view. One should, however, notice that James VI, who later became James I of England, had himself little liking for the restrictions imposed by the Presbyterian magistrates, as he proclaimed in the well-known sentence, "Presbyter is but old priest writ large."

The degree of Knox's vehemence against Mary may be suggested by the title of the pamphlet in which he attacked her: *The First Blast of the Trumpet Against the Monstrous Regiment of Women*. Knox at least had no doubt that the rejection of women was a part of God's divine order of the universe. In it, however, he argued, not simply that rulers should submit to magistrates and that, failing in this, they should be deposed, but he further developed a theory at once nationalistic and democratic. Nations, he held, were made by God and consisted of the people composing them. The people, organized and directed by their magistrates, accordingly had a right to the kind of government and religious establishment they desired. This was an attack on the divine right theory and an application of the idea that rulers had no special position or claims in or of themselves. They were simply executives for God, via the church.

He developed his ideas further in the *Appellation*, where the theory of constitutional government appears in its full panoply. There he appeals to the magistrates and nobility of Scotland to

rise up and drive out their heretical ruler and to form a new government, and he insists that the people have a clear duty to follow such magistrates when true religion is attacked. What is the basis of true religion? The answer is simple. The Gospels are the sole and supreme authority, and rulers who go against the clear teachings of Scripture are to be condemned. Knox naïvely assumes that the true religion is clearly known and that there can be no disagreement about it. His own age and the next two centuries were to reveal that, once Roman authority was rejected, individual reason might from the same basis of Scripture develop a thousand different theories of government and worship, all of which seemed equally true and beyond dispute to those who had accepted them.

We have suggested previously that toleration came in part because no one group could triumph, and all at length realized that their struggles were pointlessly destructive. It should be added that the proliferation of groups, each convinced that it alone held truth, finally resulted in scepticism, which, aided by the Lutheran glorification of the state and the secular and humanistic spirit of the Renaissance, ultimately decreased the importance of religion for large numbers of men, or at least gave them a sense that other matters were more important and that it was foolish to sacrifice earthly liberty and social order in terms of beliefs that in any case one had not the power to force on others. In the following chapters it will be our task on the one hand to note the slow development of the underlying democratic thesis of Calvinism, on the other to observe the gradual emergence of theories of toleration.

Bibliographical Note

The third chapter of Allen's *Political Thought in the Sixteenth Century*, cited previously, discusses carefully not only the *Institutes*, but also Calvin's practice in Geneva, his views on resistance, and the connection of his ideas with Catholic teaching. The following chapters deal with the issue of toleration and the later developments of Calvinism. Murray discusses Calvin in Ch. III of his book, while in Hearnshaw there is an essay on the subject by Rev. W. R. Matthews. One of the most balanced discussions both of Calvin's theology and of his social and economic philosophy is contained in G.

Harkness's *John Calvin*. Of the general question of the connection between economics and Protestantism, particularly on its Calvinist side, there is a superb and finely written discussion in R. H. Tawney's *Religion and the Rise of Capitalism*. A more brief analysis, also brilliantly written, of the whole relation of Protestantism to emergent capitalism is contained in Ch. I of H. J. Laski's *Religion and the Rise of Capitalism*. A translation of John Calvin's *Institutes of the Christian Religion* in three volumes is fairly readily available, but the most significant portions of that work, from the point of view of political philosophy, may be found in J. Mark Jacobson's *The Development of American Political Thought*, Ch. I.

CHAPTER XIII

Monarchomachs and Politiques: Freedom of Worship, Centralization, and Sovereignty in the Mercantilist State

THE Reformation split the European world into two main camps, though on the Protestant side there were numerous dissenting sects, opposed to the chief Protestant leaders as well as to the Catholics. As we have noted in the past chapters, the Pope, after the Conciliar Movement, gained a more complete hold over the church than in the preceding years, and in certain countries of Europe where the Reformation did not make itself felt, the secular and the spiritual powers worked in harmony. Indeed, after the Reformation, the Spanish monarch avowedly followed the teachings of the church and regarded it as his duty to endeavor to suppress heresy in other lands. In Germany, we have seen that Luther established the principles of political quietism and royal absolutism, while Calvin had taught that for the sake of God's order, obedience to earthly rulers was a basic duty. Yet we have also noted that both in Lutheran and in Calvinistic teaching there is a democratic element, and in countries where a Catholic king persecuted Protestants, as in France, this democratic element combined with the religious conscience to lead to a doctrine of resistance against monarchs. Similar doctrines were developed by Catholic writers, angered at persecution of their co-religionists in Protestant countries, particularly England. The group that developed these doctrines is known as the Monarchomachs.

At the same time Catholics in France, the Jesuits apart, were highly conscious that they were Frenchmen and felt that secular

interests were more important than the defense of the true religion to the ruination of the state. They therefore became supporters of royal absolutism and advocates of toleration on a basis of expediency. It is curious to note how both Catholic and Protestant alike aided in the development of theories and practices of absolutism, though the Protestant group developed the doctrine of divine right, while the Catholics originated the theory of sovereignty. Moreover, if the Monarchomachs in France and Scotland emphasized the democratic basis of authority, the Counter-Reformation through the Jesuits also propounded theories of the popular origins of authority for the use of Catholics under Protestant rulers when the former were persecuted. This in its turn was a direct development of medieval doctrine, which had combined the theory of popular consent with the theory of a higher law, above the king's law, to be interpreted by the Pope. Our task in this chapter is to examine the ideas both of the Protestant Monarchomachs and of the Catholic Politiques. We shall reserve for the next chapter the Jesuits, though our concern there will be more with the chief philosophers of that group than with its monarchomachic pamphleteers.

*The French Monarchomachs: Resistance to
Catholic Rulers by Huguenot Aristocrats*

From the accession of Catherine de' Medici as regent in 1560, France went through a series of debilitating civil wars, lasting for more than thirty years. Catherine, disliked as a foreigner, found it impossible to reconcile the demand for toleration by the Huguenots with the extreme Catholic position that they must be exterminated. Moreover, the issues involved were political as well as religious. The Huguenots stood for decentralization and local autonomy at a time when monarchical centralization was a general tendency and was considered the necessary basis for national strength, in terms of both domestic and foreign affairs. Hence, many who might not have objected to toleration of the Protestant religion were prepared to attack Huguenot political power, while the Huguenots felt that this

power was a necessary condition of religious security. It was out of this struggle that much of the Protestant monarchomachic literature came. For the sake of compactness and for the value of comparison with the Politiques, we shall examine the monarchomachic position exclusively in terms of French issues and thinkers.

Parallel with the civil wars, and mirroring the changes of fortune in them, appeared countless pamphlets. In the beginning, indeed, the criticism was modest: loyalty to the monarch and the duty of obedience were affirmed, and it was only against the regent, assumed to be acting contrary to the monarch's desires and interests, that objections were raised. The brutal Massacre of St. Bartholomew's Day (1572) changed all this. Hopes for an accommodation, for peace, were dead; and profound shock and bitter resentment led to a more fundamental examination of the bases of authority and to a denial of the whole theory that birth created kings. This went on till Henri IV, in the beginning a Protestant, came to the throne, and the struggle was temporarily stilled by the Edict of Nantes (1598).

While the Monarchomachs come to oppose the king and to advocate deposition, one must always keep in mind that they are driven to this by the persecution of their religion, and not from a fundamental conviction of the undesirability of the monarchical form of government. Certainly, while they develop doctrines whose ultimate conclusion was democracy, they are themselves somewhat contemptuous and afraid of the people. They are aristocrats who believe that the king should work for the national well-being and that, to secure this, he must consult and follow the advice of his nobles and other distinguished subjects, whether Protestant or Catholic. He is to be an umpire between the two religions, rather than a partisan, and is to allow both to thrive. Indeed, despite the difference of viewpoint as to the nature of authority, the Monarchomachs and the Politiques have much in common in terms of their ends.

The Monarchomachs are a group of Huguenot pamphleteers who desire peace from persecution and a right to exercise their religion unrestrained; they want their persons and their property to be safe, objecting not unnaturally to being put to death

or to having their property seized by the government on the ground that they are heretical. They, or those for whom they write, include many who are by birth among the leaders of French society, and they see no reason why they should lose their legitimate place because they chance to have a different religion from that of their king or of the majority of their fellows. They are demanding that their rightful status and power in the social hierarchy should be restored to them; and it would not be entirely unfair to say that they are developing a theory of the divine right of nobles and magistrates as opposed to the divine right of kings.

But to gain a sounder foundation for their plea for freedom they insist that there is an inherent right thereto vested in the people. The monarchy is not to be abolished, but the king is considered as an executive, with functions whose adequate performance is to be judged by the people, informed by their natural leaders. The Monarchomachs are among the more prosperous and progressive economic groups in the country, they have a considerable interest in peace, order, and good government, and they see as clearly as the Politiques that a monarch, welding a nation and making it strong, is the only alternative to anarchy. They are forced to oppose particular monarchical policies because the latter are destructive of their own well-being. Their aim is constitutional monarchy, not democratic government. But since the monarch does not listen to them and is persecuting them or allowing others to do so, they have to argue that he is behaving tyrannically, or at least, by failing to protect them, is not fulfilling his function as the repository of authority on behalf of the *whole* society. They look around for some justification for such an argument and for the inferences they wish to draw: conditions have changed, and the medieval view of political power as necessarily limited is not self-evident nor universally accepted.

They accordingly revive the medieval idea of the popular origins of monarchy: emphasis on consent rather than on higher law accords better with the Protestant position, and involves fewer problems as to who is to be judge. They add to this, in some cases, a more specific argument, drawn ultimately from the

history of the Frankish tribes, as to the popular basis of French monarchy. Yet they also argue, as had John of Salisbury and William of Occam, that there is a fundamental law that is above statute and above the ruler to which he is subject. But because there are differences of religion, it is much more difficult for them than for earlier Catholic apologists to make this the law of God, since there is no generally accepted interpreter thereof. Accordingly, where they do use higher law concepts, they give to the arguments therefore a form very different from that which had once been customary. They develop natural law theories, which become theories of basic rights, pertaining to the individual or to the whole people quite apart from God's sanction, and they combine these theories with the doctrine of a social contract, thus providing the basis for the dominant ideas of the seventeenth and eighteenth centuries.

Behind such concepts there lurks the doctrine of the sovereignty of the people. From that sovereignty the king gains his power, and by it he is limited. This justifies rebellion if he abuses his position. Nevertheless, because they are aristocrats and because they have property to protect, the Monarchomachs want no popular revolution. They carefully avoid emphasizing the doctrine of equality that had proved fatal to Wyclif and dangerous to Luther. The right of rebellion is justified only when disorder threatens, *i.e.*, when an attack by the monarch on the fundamental conscience of Protestantism forces Protestants to fight. They are aware that the persecuted will not passively submit: they prefer that resistance should be ordered and directed by magistrates and leaders who can control popular ebullience rather than that it should be the disorderly and uncontrollable fighting of a mob. The people must be held in check and must always realize that they have a duty to submit to authority. They must not be encouraged to think that their personal judgment is a proper basis for the breaking of law or for the use of force. No less than Catholic philosophers, the Monarchomachs stress the importance of preserving order, of not endangering existing social institutions, though their reasons are not precisely the same.

Beza: Resistance in Defense of Natural Rights

Different thinkers among the group naturally use different arguments. Theodore Beza (1519-1605) was a close disciple of Calvin. Like Calvin, he was a Frenchman. He received training in Scripture from Wolmar, who had also first given Calvin Protestant ideas while teaching him Greek. Like Calvin, too, Beza was trained in law, and indeed practiced for some time in Paris. In 1548 he joined Calvin in Geneva, and was henceforth his right-hand man, looking after his interests at Lausanne, where he became Greek professor in the following year, and later carrying on the good work at Geneva after Calvin's death. He wrote, among other things, an adulatory biography of Calvin, as well as an apology for persecution in reply to the defense of toleration by Castellio occasioned by Servetus's burning, which embodies essentially the same arguments as those later used by Cotton against Roger Williams's advocacy of spiritual freedom.¹

Yet however much Beza might countenance persecution by those possessed of truth, he was impelled by the French situation to dissent from Calvin's teaching on the duty of submission even to bad rulers and to deny the right to exterminate opponents to those who were in error, however deep their conviction to the contrary. He accordingly emphasized the grudging, if tacit, countenancing by Calvin of resistance to tyrants, as in the case of Knox in Scotland. He is, however, more cautious than the latter, and lacks his fierceness. Only when the monarch actually persecutes the true religion may he be actively opposed.

The title of Beza's work indeed suggests his fear of popular movements. It is called *Du Droit des Magistrats sur leur Sujets, Concerning the Right of Magistrates over their Subjects*. It appeared early in the regency of Catherine, and was by way of a warning as to what might be expected if persecution continued. Yet it is anti-monarchical, and contains no professions of loyalty: Beza's home was not in France. Natural rights, he states, are possessed by the people, and observance is

¹ See Ch. XX, p. 561.

guaranteed by an unbreakable contract between them and their rulers, a contract which is quite compulsory and is understood by both sides, by king and by people, to be the basis of government, even though it is never formulated. The Protestants have grievances and are forced to present them strongly because the king has violated this contract.

It may here be noted that this argument implies that the king is a purely secular authority working for the nation, and that it is not his business to determine the beliefs of his subjects. This is a virtual denial of the Lutheran theory that the king is to decide the religion for his whole realm. That theory might provide a convenient basis for peace between Catholic and Protestant countries, but, granted a sincere religious conscience, it was not easy to accept when two religions both had hosts of supporters and flourished in the same country.

Beza has no doubt that the civil power is necessary. He rejects utterly the anarchical theories of the radical sects. Moreover, men have a duty to obey their rulers, to submit to government, since order must be preserved. Yet God's claims, the claims of conscience, have a superior validity and these may in particular cases conflict with those of the king. Then men must follow their conscience, even though that involves disobedience. Nevertheless the common man is not possessed of sufficient certainty of judgment to warrant his refusing obedience on such grounds: if his conscience prohibits obedience he must go into exile rather than disturb order through disobedience. This was, of course, easier to say than to do, though the common man, having little property, might find escape not too costly. But magistrates, the proper leaders of the people, being superior in training and authority, have a right to pass judgment; and a group of magistrates in an area, combining into a sort of confederation, may decide that the king is offending against God. He is then a tyrant opposing men's freedom to do God's will, and they, the representatives of the people, may lead those people in a resistance against persecution. This was a useful doctrine, since Protestantism in France was to some extent sectional, while important persons could not go into exile without abandoning their property.

*Hotman: Limited Monarchy an Ancient
French Tradition*

Quite different was the position of François Hotman (1524-1590). Born in Paris of ardent Catholic parents, he too was trained in the law. He deserted its practice, however, for the pursuits of the study, devoting himself to history, jurisprudence, and belles-lettres; and from this he went into teaching, becoming a lecturer in Roman law at the University of Paris. He soon gave up his position, however: humane, and perhaps in terms of the general standards of the day, squeamish, he became converted to Protestantism at sight of the torture of a brave woman who professed that faith. Later he became a professor at Lausanne, on Calvin's recommendation, and in 1556 he was appointed to a like position in Strasbourg. But from 1560 on he was in France, supporting the Huguenots. He taught law at Valence, and then at Bourges, though till 1573, when he left France for good, he was never settled or safe. Most of the rest of his life was spent either at Geneva or Basle, where he died. Forever on the move, and seeing the miseries of a country divided by civil war and embittered by persecution, he eagerly desired peace, and took part in various negotiations aimed at finding a basis therefor.

His writings, polemical and historical, were directed to the same end. He attacked papal pretensions as the source of unnecessary strife, and he studied history to discover the basis of acceptable authority. His great work, the *Franco-Gallia*, published in 1573, suggests in its title his approach to the problem. He argues that France is a development from Gaul, and relies solely on the historical argument as to the origins of authority over the French people. Hotman is a strong nationalist, fully conscious that he is a Frenchman, and steeped in the heritage and history of his country. He was also a very scholarly person and had read, or misread, a vast quantity of early documents. If his approach differs from Beza's, the result is much the same. He wrote after the Massacre of St. Bartholomew's Day, but his temper was more moderate and scholarly than that of his precursor. He simply feels that a study of French law and history

provides a sounder basis for claims against the king than such abstract concepts as contract and consent. His historical-mindedness, however incorrect some of his interpretations in the light of recent scholarship, is indeed highly unusual, and it is noteworthy that his ideas were accepted as the correct interpretations of early French institutions for over two hundred years.

If Hotman limits himself to France, he nevertheless perceives the importance of the development of particular institutions and of the organic foundations of society, ideas that were not to be revived until the days of Montesquieu and Burke. Indeed he has something of Burke's conservatism.¹ For he opposed the abuse of kingly power, not as a liberal fighting for freedom, nor yet as an individual driven by religious conscience, but as a conservative anxious to preserve and adhere to the traditions of the race. Thus he makes the king the radical, the wicked innovator, and so justifies opposition to him on the ground that he is destroying the basis of the nation. For kings in the past, he claims, were made such by their subjects, were elected; and they exist for the benefit of those subjects. Such had been the practice and the wisdom of the Frankish tribes, a practice that had continued through the medieval period. The people are historically sovereign, and it is for their benefit that kings were created by them. But, as sovereign, they clearly possess the right to depose their monarch, if, as an executive, he fails to carry out their will and becomes tyrannical over them. In the period between the earlier Middle Ages and the days in which he lived, the people had indeed let that power fall into desuetude. Yet this establishes no kingly right to absolutism, and the people can reclaim their ancient power. A tyrant ruins his people, and French institutions have always existed to prevent this.

What are these institutions? On the one hand is the council, the body of advisers to the king, chosen by the assembly, and on the other are the Estates-General. Both have as their function the duty to watch over the crown, and the Estates-General should not be allowed to go out of use, being the genuine par-

¹ For Montesquieu, see Ch. XXI. The nature of Burke's liberal conservatism is discussed in Ch. XXIV, esp. pp. 681-682 and 698-700.

liament of France. The parlements are merely courts, and offer no genuine protection, so that the function of checking the king should not be left to them. They become subservient to the crown too easily. Here at least Hotman was historically correct, and it is well to remember that parlements were to become, despite occasional and courageous protests, tools of the French monarchy and supporters of absolutism, while the Estates-General were not called until the eve of the French revolution.

Hotman's conclusions from his theory were that the Protestants' resistance was justified, since the king had become tyrannical, and that the tools for its organization were at hand, if the people would only use them. There was no necessity for innovation nor for mere mob resistance. The past offered all the requisite ways and means.

*Buchanan in Scotland: The Historical Argument
and Natural Rights Combined*

A rather similar argument was put forward in like circumstances in Scotland where George Buchanan (1506-1582), tutor of James VI, in his *De Jure Regni Apud Scotos, On the Sovereign Power Among the Scots* (1579), developed the historical argument that Scotland had always been governed by the system of checks and balances and that the monarch there had never been absolute. However, he combines this historical argument with the subsequently more significant doctrine of a contract that is not only historically, but also theoretically, justified in terms of natural right.

*"Junius Brutus": Natural Rights and
Social Contract*

There were, one perhaps need scarcely add, whole hosts of Huguenot pamphleteers at this period whose arguments constituted a series of variations on a similar theme: but Beza and Hotman illustrate the two main approaches most generally used by the conservative element. We must, nevertheless, ex-

amine the theory of one great thinker of the movement who worked out a much more complete political philosophy than his fellows, and one that was more influential in terms of subsequent thought. We refer to the author of the *Vindiciae contra Tyrannos*, *The Defense of Liberty against Tyrants*. While there has been some dispute as to who this author was—he used the pseudonym *Junius Brutus*—the balance of evidence makes it probable that he was Du Plessis Mornay.

He is a Protestant, and his object is to give a philosophy to the early resistance to Henri III. He strongly opposes the claims of absolutism. No ruler may ask for, nor any subject give, unlimited and unquestioning obedience. For that does not pertain to earthly authority, being due to God alone. It is based on, and cemented by, a triple contract, which need not necessarily be expressed, but is in any case tacitly understood. The parties to the contract are God, the king, and the people. Both people and king contract with God to obey Him and to perform their duties to one another, while the people and the king further contract together to form the secular state, the people promising obedience in return for just and good government, which the king guarantees. The king therefore is doubly bound, has a twofold basis for performing his duty. He holds his position by agreement with God and by agreement with his people, and he has promised both that he will fulfill the duties of his office for the benefit and well-being of the people. Du Plessis Mornay emphasizes the importance of kingly duty and rejects the idea that the king is a privileged person with uncontrolled power. Sovereignty resides in the people, and he is merely an executive officer who may be called to account. Similarly he is himself the creature of law rather than its maker. For law proceeds from popular need, not from the kingly will. Accordingly it is binding on the ruler. This is directly contrary to that doctrine of sovereignty which Bodin, the greatest of the Politiques, put forward in this same period.

What is to happen if the king does break the contract? Mornay answers that that depends on circumstances. Should the king be a mere usurper, one who has seized the government of France, he has never been a genuine party to any contract, un-

less the people have previously accepted him and acknowledged his right. Therefore everyone and anyone may resist him, and popular unorganized opposition is fully justified. This, while it limits popular authority to a particular case, is more radical than most of the monarchomach theories. It is comparable with the doctrine of the Jesuit, Mariana. If a legitimate ruler becomes a tyrant, and by his tyranny is ruining the state, he may also be resisted, but only under the proper leadership of the rightful magistrates. Opposition by the nobility, by the magistrates and the representatives of the people is alone legitimate. Should they refuse, or fail to perform, this task, then the individual, as with Beza, may flee. That is his sole right. Should the king, without becoming tyrannical, abuse his power, open resistance is not justified at all, though the nobles who are the people's representatives and the king's advisers should, of course, oppose him by arguments and endeavor to persuade him to mend his ways. The author clearly fears popular disturbances and limits a right that in terms of his contractual premises would seem to be absolute. It was left for others to make the logical deductions.

Certain other points are indeed made by Mornay. He is an advocate of toleration, which he considers to be a genuine virtue. This was an unusual attitude at the time, for the Reformation had stirred religious passion, and few were prepared to admit that they might be mistaken. Even when toleration was advocated, it was advocated, not because it was ethically desirable, but simply as practically useful.

On the other hand, Mornay, fearful that Protestants in France will be unable to resist effectively or to triumph sufficiently to gain the necessary rights, argues that in cases of religious, and even of civil, oppression, neighboring princes are justified in interfering and invading the country to fight for their co-religionists against the tyrant. Indeed he almost seems to think that they have a duty so to do. Now this, while it might effectively guarantee freedom of conscience for the oppressed, might also lead to conquest and to the rule of an oppressor against whom, on Mornay's own theory, the people could rebel. Moreover, there was a very real danger that a trium-

phant Protestantism would be no less intolerant than the existing Catholic regime. Historical experience certainly suggests that it is dangerous for a people to call in an outside power to settle their domestic affairs or to deliver them from tyranny, even though it is also true that the doctrine of sovereignty may lead to an extraordinary suppression of human rights. In our day it is generally held that an established government may do as it likes within its own realm, though the growth of dictatorships, radical and reactionary, has led to some questioning of the wisdom of this idea. Certainly at that time Mornay unwittingly aided ambitious rulers who wanted an ethical justification for disturbing the peace. Yet his theory was essentially democratic and liberal, and it was this attitude that was to be emphasized by later thinkers.

*The Politiques: the Primacy of
National Well-Being*

While the Monarchomachs stress the right of individual conscience, the Politiques emphasize the claims of the secular state and the secondary nature of religion. Together they illustrate the two forces that were to play the dominant part in subsequent western history. The Politiques are a group of Catholic Frenchmen, living during the period of the wars of religion in France. Following the Reformation, they feel that such wars are unnecessary and dangerous to the state. They are staunch defenders of kingly power, since they are convinced that strong government is necessary if peace is to be obtained. They are fully persuaded that only through centralization and the location of sovereignty at a definite point and without division can such strong government prevail. They are, moreover, nationalists who believe, no less than Hotman, who indeed wrote pamphlets from their point of view, that France is for the Frenchmen. They object to usurpers; and many of them were legitimists, that is to say, supporters of Henri III against the foreign house of Guise, which was at the time beginning to gain power.

Their interest is secular rather than religious, and they

would prefer a French Catholic to a foreign one as their ruler. Indeed a tolerant French Protestant would be more pleasing to them than an intolerant foreign Catholic who would sacrifice France in the interest of Rome or of possessions and interests abroad. Religion seems to them a dubious blessing if it involves conflict and possible sacrifice of earthly well-being or diminution of their country's power. Abstract ethics and intense convictions are put to one side. Theirs is a philosophy of usefulness and profit, with the state as the tool of earthly well-being. They support hereditary right and legalism because that makes simple and indisputable the location and claims of authority. Peace is the foundation of prosperity, and, to gain peace, religion must be separated completely from public policy. The Pope and the church hierarchy have their own interests, which are different from those of the state; though they are, of course, very willing to use the state's funds and the state's military machinery for the church's ends. The Politiques, as good Frenchmen, resent being made cat's-paws and argue emphatically that for the state to use up its strength and wealth in an attempt to force men to accept the Catholic view is the height of folly. Whether Frenchmen are Catholic or Protestant will not affect their capacity to produce wealth or their value as soldiers and servants of the king. They are well aware that compulsion is unlikely to produce conviction, and they doubt whether Protestants can be exterminated, save by lengthy and highly costly campaigns. Even if those campaigns finally succeeded, France would lose thereby many heads and hands, and so be weakened, to the danger of national safety and to the diminution of internal prosperity.

The Politiques are the first group in western history to take the stand that methods of worship do not really matter to the state, that men may be equally good citizens, whether Catholic or Protestant, and that religion is a secondary matter. Unity of religion is not essential to social well-being, and persecution only embitters and divides men who might otherwise work together for national glory. This doctrine was not generally to be accepted until the middle of the nineteenth century, though the United States was from the beginning founded on that prin-

ciple. Today there seems to be a recrudescence of the earlier attitude that religious unity is politically and socially important. That recrudescence is based, however, on the idea that religion is a basis of political unity, rather than on any conviction of the importance of conscience.

The Politiques were realists, not idealists. They did not feel that toleration was in itself a virtue, was ethically more noble than persecution. They were indeed sufficiently ardent in their beliefs to hold that, if persecution could remove the Protestants and restore the old unity without too great cost, it would be worthwhile. That is, were the Protestants a small and powerless handful, the state would be fully justified in exterminating those of them who could or would not be converted, and their conscientious convictions would be of no moment. But the Reformation had considerable success in France. There were too many sincere Protestants to make it profitable to attempt to exterminate them. They should be tolerated because that would pay. Toleration would win them to the support of the king, whose power would then be complete.

The theory of the Politiques is therefore potentially one of persecution. Should circumstances ever make it possible to do so cheaply, it would be worthwhile to kill or convert the Protestants. We may here once more remark that toleration finally did come in the western world because persecution was shown to be too costly and material interests became dominant. A growing number of persons may indeed have come to feel that freedom of thought was in itself desirable, but their general influence was limited. Even today there are few who have any conviction that everyone should be allowed to say and think what he likes. Politics have replaced religion, and the degree of political persecution is a significant measure of the presence or absence of a genuine love of freedom.

The Politique theory was not only one of potential persecution: it was also one of state absolutism, urging the duty of political quietism. To destroy the controlling power of the church over the state may have been desirable, but the extolling of state power also meant the condemnation of theories of group protest and individual rights. If churches have at times tyrann-

nized over the state, they have also been leaders in the fight for the citizen's freedom therefrom, insisting that there are spheres in which the state is not qualified to judge.

In one form or another the preceding arguments are put forward by a whole variety of writers. The most well-rounded philosophy developed by any of the group was that of Bodin, and it is in his work that the doctrine of state absolutism is most thoroughly expounded. With him we deal in a separate chapter. The views of several minor thinkers, however, deserve brief examination.

*Pithou: the National Character of
the Church in France*

A doctrine that was to play a continuous part in French history down to the Revolution, and was to appear in a somewhat different form at an even later date, was put forward by Pierre Pithou in a work entitled *Les Libertés de l'Eglise Gallicane*, *The Liberties of the Gallican Church* (1594). He claims that historically the Catholic Church has always enjoyed a certain independence from papal control, that it has its own government and its own traditions. If this is so, then of course the church becomes a vehicle of French nationalism and a power in support of the king. The latter naturally will not use it to destroy his country. Gallicanism was developed to mean the absence of papal control over the property of the Catholic Church and the right of the king to control or confirm appointments. In a sense, it was a new phase of the earlier investiture controversy, with the addition of a nationalist element. In subsequent times, Gallicanism and ultramontaniam were to lead to important struggles; and the Bourbon monarchy came finally to support the Jesuits, particularly when Gallicanism became connected with a kind of Catholic Protestantism. Nevertheless, the Gallican doctrine would succeed in gaining a high degree of autonomy for the French church and a considerable control over it by the king, while the great churchmen became more and more leading statesmen or distinguished nobles, making common cause with the lay nobility.

L'Hôpital: Toleration and National Unity

Slightly different again was the thought of Michel de l'Hôpital, the father of Politique doctrine. L'Hôpital was Chancellor under Catherine de' Medici, and developed his ideas in a series of speeches, which were essentially pleas for obedience to the king on the one hand and for a toleration of Protestants on the other. These theories appeared some years later in written form, chiefly in a work entitled *Traité de la Reformation de la Justice, A Treatise on the Reform of Justice*. He is more concerned with the problem of law than with the position of the church, which he discusses only incidentally and because it impinges on his subject. He is anxious to strengthen and centralize the state. He argues accordingly for the abolition of local justice and the control of all courts by the king. One must have a strong monarch if the courts are to be, not simply law courts, but courts of justice where men will receive their due. Such reform is quite impossible while a religious rift splits the country. For all is struggle, and the king cannot establish his supremacy. The logical conclusion is to permit the Protestants to worship as they please, provided they will acknowledge the king's supremacy and submit to his courts. At the same time the sovereign monarch must remember his obligation to his subjects as a whole and must not rule arbitrarily: he should respect the customs of the realm and, in order to keep in touch with the needs and views of the people, should summon the Estates-General, an advisory body, frequently.

Hotman as Politique: Separation of French Church from Rome

We have mentioned that Hotman, who was a Protestant, also wrote a little work in which he posed as a Politique. He enters the enemy camp because he is above all desirous of toleration for his co-religionists and realizes that the arguments of the loyal Politiques may be more successful than the denunciations and doctrines of resistance of the Monarchomach. In a work entitled *Brutum Fulmen*, he points out that it is wrong

for the Pope to control the state and urges a formal declaration of independence from Rome by France. Protestants no doubt should be loyal to their king, and they would be, once he had ceased to act as an instrument for a policy dictated from outside his realm, harmful alike to his own power and to his rightful subjects. Frenchmen, whether Protestant or Catholic, are those in whom the king is genuinely interested, and he should not sacrifice any of them for alien interests.

Barclay: the Interests of the French Laity

Lastly, William Barclay (1546-1608), a Scot and devout Catholic who lived most of his life in France and taught civil law at the University of Angers, shares the same outlook. In his chief works, *De Regno et Regali Potestate* (1600) and *De Potestate Papae* (1608), he appeals to the self-interest of lay Catholics as against the vested interests of the clerical hierarchy. Why, he asks, should the ordinary man, even if he is a sincere believer, ruin himself for the support of a vast host of clergy? The papal possession of the property of Catholics is harmful to the latter. Let them abandon the support of the church when it means great expense to themselves and consider their earthly welfare. By bringing into being a secular government devoted solely to material ends, they will gain prosperity. That is, the state should tolerate and work for the good of its subjects.

In addition to this argument, Barclay develops a defense of monarchical power and of the general supremacy of earthly government that is more extreme than that of the other Politiques, not excluding Bodin himself. God gives exclusive authority to kings, to whom absolute obedience is due. If men disobey, the way is opened to revolt; and once revolt occurs, there is an end to all order. Anarchy supervenes, and society collapses. This was a thoroughgoing doctrine of divine right, by which alone Barclay deems it possible to reject the claims of French Protestants. He combines, that is to say, appeals to Catholics in terms of utility with attacks on Protestants in terms of a theory resting on premises not to be subjected to rational examination.

The Politiques, no less than Machiavelli, are, on the whole, thoroughgoing realists with considerable vision, at least in terms of the needs of the immediate future. They are also sceptics, in the sense that they have abandoned the intense medieval conviction that earthly life was only a preparation for a world to come and that everything must be sacrificed for this end. They reveal clearly the degree to which nationalism had triumphed, the influence of the expansion of Europe and of the growth of opportunities for acquiring wealth, and the acceptance of mercantilist doctrine that accompanied that development. But above all, in them may be seen the spreading of the humanistic leaven of the Renaissance which had led men to lower their eyes from Heaven and to investigate their immediate environment.

Bibliographical Note

Part III of Allen's work is entirely devoted to the French thought of this period, and presents a detailed account of the development of theories and their relation to the changing fortunes of the different parties involved. In Chapters V and VI of Murray there may also be found material on the topics here covered, as well as on others dealt with in later chapters. Lectures IV and V in Figgis are particularly good on this material, giving as they do a thorough examination of the issues involved, as well as discussing underlying political conditions. H. J. Laski's introduction to his edition of the *Vindiciae*, under the title *A Defense of Liberty Against Tyrants* is also to be thoroughly recommended, though, since it assumes considerable familiarity with the subject on the student's part, it should not be read as a first introduction to the subject.

CHAPTER XIV

Bodin: Kingly Sovereignty and the New Middle Class

Bodin's Life: a Crown Lawyer

JEAN BODIN (1530-1596) was a Frenchman, born at Angers. He studied law at the University of Toulouse, where he later taught. He gave up teaching, however, to practice law at Paris. There he came into contact with Henri III. His gifts and personal attractiveness appealed to that monarch, as well as to his brother, the Duc D'Alençon, and in 1576 Bodin was appointed attorney for the crown at Laon. At the same period he also attended the meeting of the Estates-General at Blois as a representative of the Third Estate. There he was instrumental in defeating an attempt of the nobles and clergy to promote an active persecution of Protestants, thus demonstrating his tolerant attitude and furthering that social peace he considered basic.

A few years later, in 1581, he went to England as secretary to D'Alençon, whither the latter betook himself in a vain attempt to persuade the Virgin Queen that an alliance with him offered signal compensations for abandoning the condition of single blessedness. To Bodin, however, the trip was gratifying, even if it also gave him a new task: he was flattered to discover that his *Six Livres de la République*, published in 1577, was known and read, but since the translation used was poor Latin, he felt it incumbent on him to remedy the defect. Whether England also influenced his thought in any way is a different matter. Save, however, for two works, one on French monetary policy and one on witchcraft, spiritualism, and allied matters, Bodin's

chief writings had already seen the light of day. Unlike Montesquieu, the most comparable to him of later thinkers,¹ the visit was not in the nature of a stimulus to political reflection: the Revolution of 1688 was still a century distant, and that English liberty which was to be an example to Europe was not yet achieved. English prosperity under the Tudors may, however, have confirmed his views, illustrating as it did his essential theses.

After his return to France, Bodin settled down at Laon, where he remained the rest of his days. He did not, however, enjoy undisturbed peace, being attacked for his tolerance and scepticism by those religious zealots, so common at the time, who felt that anyone who refused to countenance persecution was an unworthy son of Mother Church. Indeed, he narrowly escaped death during the Massacre of St. Bartholomew, and was subsequently expelled from the Catholic League, which he had joined in 1589. He died, a victim of the plague, in 1596, but this did not deter his detractors, who continued to revile his memory because of his lack of orthodoxy. This is not entirely unnatural since, apart from his wisdom in seeing the political needs of France more clearly than his contemporaries and his consequent advocacy alike of a strong monarchy and an expedient toleration, he did hold strange convictions as to the efficacy of numerology and astrology. He also believed in witchcraft, though the burnings in New England and the prevalence of the notion even among educated and professional men like Sir Thomas Browne in a subsequent period make this not unintelligible.

✓ Bodin was, as we have already noted, one of that group known as Politiques. Yet at the same time he was much more than this, and, unlike the other members of the group, developed a very thorough and complete theory of the state, while he also wrote certain other works of a sociological nature, having political implications. He is known indeed chiefly for his development of the doctrine of sovereignty. Recent theorists, not unjustifiably, have made this appear an inflexible and narrow doctrine; and the unwary might therefore infer, not only that it

¹ See Chapter XXI.

had a similar character at the time of its first thorough development by Bodin, but that he himself was a somewhat limited and rigid thinker.

Nothing could be further from the truth. Bodin was a true lawyer, with all the emphasis on legal reasoning characteristic of the tribe. He was also a nationalist in the tradition of the French lawyers who preceded, accompanied, and followed him. It is to be remembered, however, that these lawyers, looking for their main employment to an increasingly powerful throne, were bold in speculation, even though their boldness was chiefly directed to a criticism of the older doctrines used by the church and to the advancing of the power of the state. Unlike so many lawyers of a later date, their main concern was not to defend the ancient ways and to prevent change: they were inspired rather by an enthusiasm for a new and increasingly powerful institution with which their own fate was intimately allied. It might be said that they climbed on the bandwagon. It would perhaps be more nearly true to admit that they were an essential and important part of the motive power driving it to its goal. If they were products of a legal training, their legalism was nevertheless devoted to, and expanded by, wider forces of politics.

This qualification applies to Bodin, no less than to that group generally included under the title of crown lawyers. Moreover, while Bodin was a nationalist lawyer, he was also a man of the Renaissance, a humanist. Though the Renaissance made a less startling and less chaotic impression in France than in Italy, the drive of its forces was no less sure. Bodin gained therefrom a profound love of learning and a recognition of the width and scope of human activity. One commentator has described the nature of his thought as "changeless, coherent, confused," and, despite the seeming paradox of such a characterization, it is not without justice.

While Bodin shared in the widening of men's horizons that came out of the Renaissance, he also perceived the dangers of chaos potential in the movement. His set purpose was to create order and harmony, while using and embracing the new forces. Yet he himself, despite his devoted pursuit of this end,

was unable entirely to escape anarchy. So many interests claimed his attention, so many new problems demanded investigation and discussion that, while his objective is never lost to view, he is continually tempted to digression. This wandering makes his works difficult to read and produces the impression that, despite his vast learning, or perhaps because of it, his material is not fully assimilated and digested. Yet at the same time careful attention reveals that, though he yields frequently to temptation, he returns always to his main line. Hence, there is finally a coherent and meaningful picture before the eyes of the observer.

The contrary impression is reinforced by Bodin's seeming credulity. We err greatly if we picture the Renaissance as a flash of light suddenly illuminating the darkness of centuries and dispelling the mists and clouds of what we choose to call superstition. The newer science, like the changed attitude towards religious problems and the meaning of life, was a slow growth. The novel methods of investigation were not established over night. Alchemy and chemistry, astrology and astronomy, remained for some time interwoven; and the comfortable existence in one mind of what were ultimately incompatible is seen nowhere better than in Bodin. This applies to his excursions into history and legend no less than to those into physics and metaphysics. For him the fate of man's soul had a great fascination, and he made curious studies in a realm that today we should dub spiritualism. He combined the characteristics of a Sir Oliver Lodge or a Sir Arthur Conan Doyle with those of a Charles Beard. However, save as they help us to picture the man, these things are not of great importance.

Bodin's Sociological Approach

Bodin's main work and chief influence, after all, have been in the sphere of the social sciences, and, above all, of politics. Yet it is well to remember his width of interest and to keep in mind that he was not simply a political philosopher in the narrow sense, but rather the first of the modern sociologists. We say

"modern" lest it be forgotten that in the ancient world certain philosophers, and especially Aristotle, were essentially sociologists, however widely their methods may have differed from those of the present-day schools of investigation. Indeed not the least of the ironies of history is that Aristotle's name should have become so intimately associated with the Middle Ages, while placed in opposition to the thought of more recent times. If the Middle Ages swallowed Aristotle's philosophic system, it was only with their passing that we note a repetition and revival of that eager curiosity and that keenness to understand, to interpret, and to systematize the observed facts of experience that was his greatest glory. In this sense Bodin is in the vanguard of Aristotelians, however much he may have differed from, and gone contrary to, his great predecessor. Indeed, despite such differences, the latter influenced him directly and profoundly.

Nevertheless his dominant drive was his nationalism, which took the form of a desire to assist his country in a practical way. This may seem a very limited ideal for a philosopher and a fertile source of biases likely to render his whole work ridiculous. Yet Bodin, like Bacon, believed that usefulness was the test of truth. Moreover it cannot be too often reiterated that nationalism was in that time an expansive, not a restricting, force, whether considered politically, economically, socially, or from the point of view of religion. New ideas and new ways were necessary for, and concomitant with, the growth of nation-states. Espousal of the latter's cause led to a critical scepticism about accepted ideologies. Among Bodin's most distinguished characteristics is indeed his lack of bias, his willingness to question and, when necessary, to reject accepted ideas, and his unwillingness to advocate or defend some cause simply because it may seem immediately convenient or useful so to do.

Closely connected with this, too, is his critical use of history. He lacked our modern knowledge and implements; and the canons of criticism were not then, as now, well established. Hence much that he accepts we would straightway reject. But for a fair judgment as to whether he was critical, we must com-

pare him, not with modern scholars, with all their elaborate apparatus of textual criticism, but with his precursors. Then his critical faculty becomes as clear as the day.

As a lawyer and legal scholar, he showed similar breadth. If he had a healthy respect for legal logic, he was not simply a legal dialectician. He realized what some lawyers have since forgotten, that law has a social function, and that it is not simply a series of paper enactments to be applied in the empyrean by disembodied spirits. The meaning of law is connected with its context, and it is necessary to have knowledge of history and of social institutions both to make and to apply it with any success. Although Bodin propounds the theory of sovereignty, he belongs to the school of sociological jurisprudence rather than with the purely analytical Austinians. He has more in common with the late Justice Holmes, or even with Brandeis, than with John Dickinson.

In dealing with society, like Machiavelli before him, he takes the point of view that *à priori* ideals are largely meaningless and that experience alone has value. The purpose of the thinker is not to spin fine, airy webs but to observe, to collect facts, and then to develop his theories therefrom, arranging what he has gathered in a meaningful and useful pattern. It is to be noted that, unlike some modern realists, Bodin is not content with the mere amassing of material. He insists that it be given meaning and be used. His is a reflective pragmatism, not the superficial brand too readily accepted and widely upheld in these contemporary United States.

Unlike Machiavelli, however, he was not indifferent to questions of religion: he seemingly believed that men had souls, even though he was not clear as to what constituted the soul. Indeed, as we have before remarked, he gave a great deal of attention to such matters. While it is impossible to be certain what he really believed, he seems finally to have taken some sort of pantheistic view of the universe. Yet at the same time he retained a considerable degree of scepticism. From the political point of view, it may be said that he did not consider it of the greatest importance what men believed, though the fact of belief was significant and could not be ignored by an

observer, nor treated lightly by one who wished to serve his country. In terms of contemporary conditions in France he accepted the *Politique* view as to toleration. Yet, being sceptical, he was inclined to a perhaps wider tolerance than they, though at the same time he felt that there were, in terms of the state's well-being, limits to the granting of freedom in religious matters.

*Bodin's Theory of History: an Aid
to Practical Activity*

Before proceeding to consider Bodin's chief political work, we propose to devote some attention to two minor books, important for a thorough understanding of his ideas. The first is the *Methodus ad Facilem Historiarum Cognitionem* (1566). The title itself is not without significance. It shows first of all a new and growing interest in method, made necessary by the increasing amount of material to be dealt with. The work itself is indeed one of the first that shows a conscious concern with the question, what is the purpose and function of history? Nor does it proceed on the usual assumption that history is, on the one hand, a form of pleasant entertainment, or, on the other, a branch of Christian apologetics. Machiavelli's *History of Florence* had been built on such widened concepts: Bodin was the first systematically to examine and state them.

Not less significant is the emphasis on easy understanding. Bodin was always anxious to be practical, and felt that education was important to the state. While the masses of mankind were still, and were long to remain, unlettered, the growth of printing and the decline of the church from its primacy in human affairs had produced a new class of readers whom it was Bodin's intention to instruct that they might become better citizens.

One must not, however, infer that what he wrote was either a textbook or a predigested summary in ten easy lessons. It was an investigation of the nature of history, of how it should be written, and of the use to which it might be put. He starts out with the statement that history is a means to the welfare of the

state. It is a storehouse of political and social information that may be used with the serious purpose of suggesting what is sound and unsound in public policy. When Bodin takes this point of view, he is not urging the writing of narrow, nationalistic school books to induce sound patriotism. Nor does he advocate the distortion of fact for the gaining of glory or support. There was then no general system of popular education; and Bodin is more concerned with the guidance of the ruler and the instruction of the middle class than with the direction by propaganda of the mass of subjects. The lessons of history may inform, encourage, and advise the monarch. To this end it is necessary that all the truth that can be ascertained should be presented. Bodin is attacking that view of history which would make of it a record of the doings of the great, or would confine it to general political and military events.

Similarly he has no use for history as mere entertainment directed towards the satisfaction of idle and purposeless curiosity. History is, if not something more than, then at least something different from, a series of *contes* and *fabliaux*. He also rejects the view that it is an account of martyrdom and miracles. It is rather a record of the life of man in society, primarily indeed of how he has been ruled and how he has responded to his rulers, but no less importantly an account of his culture and of his economy. Adequate government requires a knowledge of men's customs and ambitions, of their ways of earning their living, and of their ways of spending their leisure. This attitude towards history had been rare since the days of Aristotle, and was to remain so until Voltaire and Montesquieu revived and amplified Bodin's ideas.¹

Bodin next states that history is concerned with universal principles rather than particular events. While he was anxious that the particular event should be observed and recorded, he fully realized that it had meaning only as embodying and illustrating general principles. This may suggest that he was, after all, purely deductive. Yet he was simply recognizing that isolated facts were meaningless—that, however unbiased one

¹For this and succeeding references to Montesquieu, see Ch. XXI. Voltaire's ideas on history are briefly discussed in Ch. XXIII, pp. 656-657.

might be in not ignoring facts, one had to approach them with some purpose, to collect them with some object in view. Many recent historians and sociologists, in their desire for objective description, have denied this simple truth.

His next major generalization, that history is a record of things as they happen, reveals clearly his emphasis on induction. We today may recognize how impossible it is, even with all our modern apparatus, to record any event in its full detail and implications; while in dealing with the past, errors are inevitably multiplied. Yet at the same time, we do accept Bodin's essential viewpoint, applying canons of probability to the evidence and rejecting the implausible. While Bodin may have had a greater faith in the possibilities of obtaining the whole story than we, it was with the establishment of tests as to what was probable and what was improbable that he, too, was concerned. The point was then peculiarly important. Existing histories, or perhaps one should say chronicles, were, with a few notable exceptions, a weird compound of tradition, folklore, and tall stories.

From material carefully collected one could, Bodin believed, discover the principles of change. By wise application of the latter, the ruler could insure progress. Changes, after all, were not arbitrary and accidental; known causes had predictable effects. Bodin accepted the principle of causality, if only as an historical induction. What is perhaps more interesting is that, long before Fontenelle, he believed in the possibility of progress. He rejected, that is to say, the idea of a golden age in the past, and with it the whole doctrine of the Fall of man and of the inevitable misery of existence.

Since there are principles behind change, history must proceed under the domination of law, and Bodin emphatically asserts that the nature and content of that law is a fundamental subject of investigation. History, indeed, convinces him that human law itself is based on certain general principles of a universal kind and that legal study must concern itself therewith. In this he is at one with the *jusnaturalists*, and indeed with all those who believe that there are rational principles of justice lurking in the infinite mutability of human laws. But, unlike

many of them, he does not believe in the possibilities of cosmopolitanism. He rejects the idea that universal principles, however real, can be applied directly, or that they constitute the only necessary law. History may teach by experience, but one must never forget the differences in situation. Not only men's ways of life, but also their environmental circumstances differ. In this respect he is a precursor not only of Montesquieu and Burke, but of the historical school of the last century in general.¹

The differences in men's ways of life are, indeed, ultimately determined by the differences in the situations they confront. The physical world is, after all, the world in which we live; and it is not uniform in all its manifestations. Topography and the flora and fauna of different lands and regions show widely diverse characteristics that affect those living in them. But most important is climate, on which all else depends. Bodin saw climate as the supreme factor in determining the conditions of men's lives, and hence what laws were appropriate. In this again he was a forerunner of Montesquieu who, as we shall see, rediscovered and elaborated his ideas.

It may be said that this emphasis involved an exaggeration, and that it failed to allow for the degree to which man may control his environment, making even climate and soil less important as determinants. Yet first we must note that in Bodin's time, despite considerable scientific development in comparison with the past, men still had but a slight control over the physical conditions of their existence. Secondly, recent experience in this country might well suggest a becoming humility and a recognition that we are even today largely creatures of our climate. Drought and flood are not confined to static and unscientific China.

What is more to the point is that Bodin, unaided by meteorological bureaus and unable himself to visit other regions of the earth, had to rely on inaccurate and inadequate reports. This led him to a too ready classification of the earth into zones,

¹ For Burke, see Ch. XXIV. The historical school included many scholars, with widely divergent views, in different lands. Some of them will be discussed in a subsequent volume.

with the South as hot, the Center temperate, and the North cold. Indeed he classified temperatures largely in terms of western and southern Europe.

More than this, he classified races by locality rather than by origin, and failed to recognize that the inhabitants of any one area were the products of a great intermixture of stocks. He believed that each was broadly homogeneous because it had lived under its own peculiar climatic conditions. He was unaware of the nature of biology and heredity. He divided Europe into three regions, with three peoples, the Southeastern, the Mediterranean, and the Northern. To these he then attributed greatly oversimplified dominant characteristics. The Southeast, the hot region, led to laziness and a prevalence of the religious spirit. Men apathetically received the fruits that came to their hand, thanked a beneficent God and let life take its course. The Mediterranean peoples, living in a temperate climate, had to make some effort, and so developed a practical sagacity, a capacity to deal with their environment without too great a strain. Peoples of the North, living in harsh, inhospitable lands, were driven to continuous effort in order to survive. While the people of the Mediterranean might arrange a well-ordered but not too changeable society, those of the North could never relax, but were always forced to new stratagems in order to live and enjoy. To the North accordingly belonged invention and progress.

In reading this disquisition, one cannot help feeling that Bodin for once allowed prejudice to overwhelm him, and that he was anxious to make out a case for the superiority of his own country. Yet if his interpretation was exaggerated, it nevertheless contains a modicum of truth. He was the first of the anthropo-geographers and geo-physicists, and his recognition that history cannot be divorced from geography in its widest sense was both original and fundamentally important. Nor must we allow a possible disgust with contemporary doctrines of racial superiority, and with harsh policies based thereon, to blind us to his greatness in this respect. For they arise from naïve misconceptions of biology, and ignore that very environmental factor which he so greatly stressed.

As a final comment on Bodin's views of history, we may say that he divided history not only by areas but by periods. This schematization, which was to be reintroduced by men like Hegel and Comte, and which was to become a favorite game with subsequent historians till it culminated in, and was unwittingly proved impossible by, the work of Spengler, was among his less happy originalities.¹ It introduced a discontinuity hardly compatible with the search for universal laws, and created an artificial compartmentalizing of experience that made harder, rather than easier, the application of the principle of causality.

*Bodin's Economics: the Bases of
National Prosperity*

If Bodin was interested in history for its uses, he was no less concerned with practical economic affairs from the point of view of national well-being, and with economic theory in its application thereto. His views on this matter were expressed mainly in a minor work, the *Réponses aux Paradoxes de M. Malestroit* (1578); though he also had something to say on similar topics in the *Six Livres de la République*.

The former contains two main ideas: first, that change in the value of money is inversely proportionate to the quantity in circulation; and second, that in economic affairs both parties gain by exchanging goods. The former is an anticipation of what was later known as the quantity theory of money, though stated in a simple and unrefined form. The latter lies at the basis of the *laissez-faire* doctrine of Adam Smith and his successors, which replaced mercantilism.² From the former Bodin

¹ Hegel's philosophy of history, with its dialectical process and its culmination in the rational state, we have mentioned in a previous footnote. Comte, the French founder of recent sociology, who greatly influenced J. S. Mill, saw society as progressing through various stages till it culminated in the scientific, or positive, age. Hence his philosophy is known as Positivism. Spengler, a living German historian who preaches the gospel of blood and fears the Yellow Peril, develops in his *The Decline of the West* a cyclical theory, with successive healthy cultures becoming effete civilizations. The modern Western, or Faustian, culture is now, he holds, in such a decline.

² Adam Smith's *Wealth of Nations* appeared in 1776, the year of the American Revolution. The two events together had considerable influence in producing subsequent changes in British policy. Smith is usually regarded as the founder of modern economic theory, particularly of the English school.

inferred that debasement of coinage, the popular form of inflation in his day, should be prevented by the government; and that it is wise for the government, that is, the monarch, to ensure a stable currency. Today we should call him a sound-money man.

Bodin develops certain implications of these ideas in the second of the works mentioned, where he is concerned with the proper policy of the sovereign in matters of public finance. It is in this work that, from the premise that both parties gain by exchange, he draws the conclusion that the king should encourage economic activity among his subjects and should not use his power to throttle international trade. There, too, in opposition to most medieval writers, he gives his approval to interest, realizing the productive value of capital, though seemingly he objected to usury in our sense of the term.

On the other hand, he denounces the sale of offices, that is, of positions in the king's administration, and particularly to the sale of the right to collect taxes, recognizing that this particular middleman's task produces poverty and spreads dissatisfaction towards the throne. It is perhaps to be observed that tax farming, a system which had caused no small trouble to later republican and imperial Rome, became in France one of the major causes of popular discontent, and was not unimportant as a factor in the making of the Revolution. Were Bodin alive today, we should expect him to oppose political corruption and espouse good government.

Such economic theories have given him the reputation of being a modern, and have led to the statement, often erroneously applied to great thinkers, that he was born before his time. His was, after all, the age in which religious and guild controls of economic life were being replaced, however slowly and partially, by national control, working through a more or less close-knit system known as mercantilism. This system, in its narrowest formulation, is what was known as bullionism, the doctrine that no trade was to be allowed unless it brought in an import surplus of the precious metals, particularly of gold. Yet this was only a special, and perhaps not very generally accepted, form of the theory. Spain's temporary prosperity,

based on the wealth of the Indies, doubtless gave it passing popularity.

The essence of mercantilism may indeed have been the idea that one could not permanently live on debts, though even more fundamental was the concept that the government should control and direct economic activities from the point of view of national, rather than individual, welfare. This should scarcely seem a strange idea to those used to discussion of planned economies. In this sense Bodin was certainly a mercantilist, for it was emphatically with national prosperity rather than with individual profit for the exclusive pleasure of the profit-maker that he was concerned. Moreover, he shared the general views of his day with regard to the utility of tariffs, and even as to policies designed to exclude various goods. He was simply more liberal, or at least more canny, than some of his contemporaries in recognizing that, in an age of expansion, trade was the foundation of national prosperity; and that for two parties each to get things they wanted and lacked, and to give the other products of which they had a surplus, might be profitable to both. Like Beard today, he rejected current dogmas in an attempt to develop a philosophy of National Interest.

*Bodin's Concept of Political Authority,
Its Purposes and Limitations*

We now turn to an analysis of the main ideas contained in the *Six Livres de la République*, a work published in 1577. It is here that Bodin sets forth his full theory of the state, of which the doctrine of sovereignty is a part, but by no means the whole. The work opens with a discussion of the origins of, and the need for, the state. One should at the start note that Bodin makes no abrupt departure from the modes of discussion that formed part of the tradition of political thinking. He analyzes the law of nature, a series of basic universal principles, and insists, as certain of the Roman lawyers had insisted, that it is different from the *ius gentium*, or law of peoples, the principles normally dominant in imperfect human society. It is essentially with the latter that he is subsequently concerned.

Yet he does not continue along this line. Rather he takes up the problems of the actual origins of the state. There he follows the lead of Aristotle. He sees the family as its origin and source. The family is not simply prior in time: it is also the beginning and evidence of reason in man. By reason he seemingly means social-mindedness, a reasonable recognition of the value of living together and coöperating. Moreover, it is in the family that property is first developed and conserved; and it is property interests that make and hold together the family. Bodin thus gives expression to that sensible attitude which has long been a dominant characteristic of French life. His is the *petit bourgeois* spirit in its infancy, a spirit expressing itself politically, then as now, as an insistence on security, though, where today security means adequate defense and cautious finance, it then meant unity under the throne.

The family is also the original source of authority, with the father a sovereign in miniature. This view had characterized Roman law and from it entered into the French system, where traces still remain even today. Since Bodin was a lawyer, one can well understand that this concept should be readily accepted by him, particularly because it was so useful for his purposes. It may be incidentally noted that it is closely connected with the divine right of kings, at least in its patriarchal form.

Bodin, however, develops his theory along different lines. From the family grow wider associations, forming a greater society; and from these associations, in combination, emerges the state. Nevertheless, the state is not an extension and amplification of a natural or rational social instinct. Families form a wider society through such an instinct, but the state is based on force. It is thus more closely analogous to the family than to the social groupings that grow therefrom. Both are marked by the possession of authority. In the family that authority is the power of the *pater-familias*, springing originally from natural deference. In the state it is known as sovereignty and is a product of force.

This explanation differs somewhat from that of Aristotle, who had seen the whole process of development, from family to village to city-state, as a natural growth. Bodin, on the other

hand, believes that it is natural only in the sense that it is the product of unequal powers on the part of men. That men are unequal is a doctrine as dear to him as to Aristotle, though we should note that it is opposed to most of natural law theory. Indeed he insists that inequality is desirable in society and should be preserved. He is in no sense a leveler. Yet, again departing from Aristotle, he condemns slavery as an evil, and in this respect comes nearer to certain Stoics. This idea was not unconnected with his division of people, since he believed that it was in the less progressive countries that slavery had been most prevalent. Practically, too, he recognized the superior economic value of the free man.

Returning to our main problem, the question arises, granted that sovereignty is the mark of the state, what is the purpose for which the state exists? The end of the state is, as he puts it, the realization of all good. Thus the state, once more as in Aristotle, functions over the whole sphere of human activities. Citizenship, however, is a very different affair from free and complete participation in the city-state's activities. The state has grown in area since Greek times, and, being far larger than a city, it needs a centralized and powerful authority to give it a unity. No longer is such unity what it was in Periclean Athens, the product of living together in a defined area, where one might know at least the majority of one's fellows and be aware of all the problems to be faced in common. It has to be artificially and forcefully created. Nevertheless the doctrine that citizenship involves freedom survives vestigially, though it is simply freedom as opposed to slavery, not freedom as the right to participate in public life. The citizen is defined as a free man, subject to the sovereign power of another. Sovereignty itself is supreme power over citizens and subjects, unrestrained by law.

Bodin does not infer from this, despite his doctrine of the state as a creation of force, that whoever manages to attain supreme power is sovereign. In this way he avoids certain of the difficulties that were subsequently to plague Hobbes,¹ though it is to be feared that his logic suffers in comparison.

¹ On this and subsequent references to Hobbes, see Ch. XVIII.

His prior discussion has, after all, been concerned with nature and force. He has denied that there is any law restraining the sovereign; and he at once insists that the supreme function of the sovereign is to make law, in its essence a command from the one possessing sovereign force. Yet he also insists that sovereignty is perpetual as well as indivisible. By perpetual he means that it belongs rightfully to the existing royal family and must be handed on by the laws of succession from father to eldest son. Particularly he is concerned with reaffirming the Salic law, by which women could not succeed to the throne. Perpetuity also means that to the individual ruler sovereignty belongs for the duration of his life. Hence no usurper or rebel can become legitimate sovereign or rightfully demand the allegiance of the citizen body. This may be an effective discouragement to rebellion, but it does introduce the idea that the sovereign exists by law, and not by simple force, as well as the concept of rightness as distinct from power.

As a lawyer, anxious to build a secure nation and recognizing the value both of acknowledged leadership and of tradition in achieving this purpose, Bodin feels the necessity for a foundation, at once legal and ethical, for his position. Yet this logically leads him back to a view very like that of those who believed in a fundamental law, and is incompatible with his idea of an absolute sovereign who is the sole source of law. But to be fair to Bodin we must recognize that, having stated the doctrine of absolute sovereignty, he then proceeds to hedge it about with safeguards, even though he subsequently endeavors to render those safeguards nugatory, as far as effective techniques for their application are concerned.

To begin with, if the sovereign is above law, his property is not. Here Bodin is not concerned primarily with his personal estate, though no doubt he felt that that too should be employed in the national interest. It is rather with the whole realm that he is concerned: the distinction between the king's private wealth and the total wealth of the kingdom was not clear, and certainly it was not Bodin's intention to emphasize it. Later, with a strong and well-established monarchy, it might be desirable to bring out such a distinction. This distinction

was made early in England, but was never fully made in France, a fact that may explain many significant differences in their historical development. Bodin's immediate task was to remove the divisions of feudalism. He wished to make the king not a liege lord with his private estates to whom lesser nobles, holding their lands often of another, owed services only indirectly, but the supreme ruler over the whole national territory, with the nobility reduced to the rank of pure subjects, who could claim no rights against the monarch and to whom the monarch had no special duties. Thus the sovereign's property had to be the whole of the land he governed, with all its wealth included.

Yet at the same time, granted that the state had as its end the total good life of the whole and was not simply an instrument for the king's pleasure, it was necessary to safeguard the property rights of the citizens that the king might not impoverish them for his own private ends. Their property was on the face of it his property, being contained within his realm. Therefore, while disposing of the nobles, Bodin had to find some means of securing a growing wealth against a monarch who might rashly conclude that everything within his dominions was personally his. This could be done only by setting up a system of property law with which the sovereign could not, or at least should not, interfere. Whether Bodin means by this that there is a fundamental law dealing with property as in some sense a natural right (in which case, of course, the sovereign is not sovereign), or whether he means that the sovereign should indulge in a kind of auto-limitation, is not entirely obvious. Yet the danger that the national state would be treated as the private property of its monarch was perfectly real, as may be seen very readily from a study of the general practices of a Europe dominated by the dynastic idea, as well as by a brief glance at the French Monarchy, particularly as it later developed, from the days of *Le Grand Monarque* on.

This apart, Bodin admits certain more specific limitations on sovereignty. Not only property, but also the family are outside the monarch's reach. He is, moreover, subject to the law of God and the law of nature, though apparently at the same time their interpreter. What Bodin probably means is

that a monarch should comport himself according to accepted ideas of justice and, while legally unlimited, free from political checks and balances, should recognize that as a ruler he is also the trustee for the nation. He is likewise limited by fundamental laws, that is, by the long-established laws of the country that are universally recognized. Bodin is here once more concerned particularly with the laws of the succession, and thus tries to reconcile absolute sovereignty in the individual with perpetual sovereignty in the royal family and to prevent the monarch for the time being from alienating his power or nominating a successor who has no claims of blood.

These ideas may seem surprising. Yet Bodin is doing no more than developing that distinction between the king and the crown so familiar to students of English constitutional law. Complete sovereignty strictly belongs to the latter. His doctrine of fundamental law, coupled with his insistence that the sovereign is subject to custom, to the accepted procedures and ways of life of his people, likewise offers a close analogy to a long-accepted concept in British constitutional theory. In England the king in parliament is sovereign, and whatever law is passed by that sovereign is legal. Yet it is frequently said that an act of parliament is, or that a proposed act would be, unconstitutional, meaning thereby that it conflicts with certain great acts of the past, presumed to have a special sanctity as embodying vital principles, or that it infringes upon some convention, some understanding long-established, as to how affairs would be conducted.

Moreover, the sovereign is limited by oaths voluntarily made, for oaths are binding in their nature. This limitation applies principally in the sphere of international relations. Bodin realizes that the purpose of an oath is to establish certain expectations. He sees that, should oaths be broken, stability is endangered: for continuity in life, sovereign's oaths, like subject's contracts, ought to be observed. Otherwise disorder results. This was to apply to international affairs a doctrine that the Utilitarians were later to emphasize as vital to internal well-being. But Bodin, unlike Machiavelli before him and even the frequently naïve Grotius after him, fails to realize that,

since even rulers live in the short run, the sovereign will observe his oaths only while it pays; that treaties, once conditions change, are inevitably regarded as scraps of paper. Not until there is created a world government, possessing effective power, can one hope for a genuine observance of international agreements. Yet the very concept of sovereignty so painstakingly developed by Bodin was ultimately to prove a stumbling-block to the erection of such an authority.

Finally, Bodin makes a distinction between king and the tyrant in terms of whether the ruler possesses his throne and exercises his power according to the law of God; that is, once more, the accepted fundamental principles of morality. The making of this distinction was a usual practice of political thinkers, though in general the distinctions, even when clearly formulated, are hard to apply. With Bodin this is peculiarly true, since the law of God is for the sovereign to interpret.

To modern man the whole concept may appear quaint, if not absurd. Nevertheless the reasons for it are obvious. It was necessary on the one hand to protect the community against continual revolt, particularly in an age when strong nobles still survived and had armed forces at their beck and call. This could be done, at a time when large sections of a country would not naturally give their prime allegiance to the monarch and perhaps felt no loyalty whatsoever towards him, only by introducing ethical principles with a religious sanction. For, while the Reformation produced new dangers of divided allegiance and gave a new lease of life to a declining feudal sectionalism, the appeal of religion continued to be the mainstay of morality. On the other hand, because of the very growth of individualism stimulated by Renaissance and Reformation, but above all by economic expansion and the possibilities of wealth, it was necessary to grant some protection to the people against ruthless exploitation. Despite the potential threat from powerful nobles, a strong and unscrupulous monarch was, with the aid of gunpowder, gold and mercenaries, fairly safe except for organized and directed revolt. Hence theorists generally insisted that one should obey the monarch as a duty to God, but that magistrates may lead revolt against a tyrant. Bodin, perhaps feel-

ing that a legitimate monarch will have a long-term family interest in his people, and considering unity more important than individual initiative, gives the king exclusive use of the weapon of religious morality and allows revolt only against a usurper.

After so careful an exposition of the limitations on monarchy, Bodin calmly assures us that sovereignty is simply a political fact, and that the sovereign is to be known by his power. He may be recognized primarily as the maker of laws, though there are other signs, scarcely less fallible, for his identification. He is the one who makes war and peace. It is he who appoints officials, and with him alone rests the power to pardon offenses. The last is particularly significant in showing that he is in fact unbound, since he may release offenders against his own laws.

*The Forms of State and the Bases of
Successful Statecraft*

Bodin next turns to the question of the forms of state and the methods of government. He accepts the old division into monarchies, aristocracies, and democracies. Which form a state has depends on where the sovereign power, recognized by the exercise of the functions listed above, resides. There can be no mixed state. That is, it is impossible for a state to be partly monarchial, partly aristocratic, and partly democratic, for this would divide, and so destroy, sovereignty, with anarchy resulting.

Bodin thus rejects the ideal of a balanced commonwealth, propounded by Polybius, and held dear by Cicero. Yet he admits that forms of government may be mixed; that is, that different classes or groups may have different functions. But the sovereign is one, and a division of functions results solely from his decision. This poses the question whether the distinction between state and government is in any way legitimate. It is not, after all, possible rigidly to separate the formulation and the execution of policy, the envisioning of ends and the taking of the necessary steps to produce them. The government of men is a continuous process, and the ends achieved

emerge and change through the procedures and policies of those charged with applying formulated principles. That the right to lay down such principles is vitally important, that the attempt to follow them, whether from conscience or fear, will act as a real limitation on the power and initiative of administrators is undoubtedly true. Yet at the same time government, whether in its executive or in its judicial functioning, does not consist and cannot consist of an automatic application of principle to nicely simple problems by inflexible and unerring robots. Nevertheless, as we noted in discussing Machiavelli, the functions of government were in those days less complex, and genuine control by a ruler over those charged with the execution of his policies could be more complete and thoroughgoing than would be possible today.

Bodin has some interesting things to say about the value of different forms of states. To him, monarchy is best because in it alone the ideal of full sovereignty is perfectly realized; and it most effectively answers the need in men for a clear and recognizable authority to whom allegiance is to be given.

The popular state Bodin considers to be in conformity with nature, though it is not quite clear what he means by this, unless it be that men do not naturally accept authority outside the family circle, in which case the idea is very questionable. Bodin, however, does not worship nature in any sense, and he dismisses such a state as inefficient and disorderly. Nor is aristocracy much better, since aristocracies are ridden by feuds, which also cause disorder and inefficiency, though less constantly and less generally. This whole discussion of the forms of state and government we shall find repeated in every essential point in the later work of Hobbes.

Having established his state to his own satisfaction, Bodin turns to questions of practical politics and considers what factors lead to success and failure in states. This section is thoroughly realistic and has something of the tone of Machiavelli, while it also shows a good deal of Aristotelian influence. Despite the somewhat static and artificial character of the previous section, Bodin is not unaware that the state is a living and functioning institution, not a scheme on paper. Indeed he believes that the

state is always in process of development, and he feels that it is inevitable that it should be transformed. One living in Bodin's time could hardly fail to recognize the dynamism of human affairs.

Yet that transformation proceeds in no uniform way. There are two main methods of change, alteration and revolution. The one is the gradual change through accretion, through the modification of a whole series of different situations. It goes on slowly before men's eyes, and they may adjust themselves to it. The sovereign may comprehend the forces at work and, comprehending, may so modify and change his plans and the country's laws as to secure the latter's well-being and his own continued power. As to revolution, that is unpredictable and totally beyond human control. For this statement Bodin gives no justification that will be intelligible to a modern reader. His reasons are mystic, and illustrate that peculiar credulity which was an important element in his personality.

This apart, we may well question the rightness of his antithesis of alteration and revolution. Those accustomed to talking of the Newtonian or of the Industrial Revolution look upon the revolutionary process as essentially gradual; while even those who admit the suddenness and unpredictability of the particular outbreak that signalizes the accomplishment of a revolution realize that it is only the culmination of long, if hidden and imperfectly clear, movements. We may recognize the importance of chance and know well that a complete account of all the diverse circumstances leading to such an event is impossible. We may even recognize the vital importance of some individual person. At the same time, granted that we accept the general doctrine of continuity and development, we are aware that a revolution, whenever it may chance to occur, is not an isolated phenomenon. If we cannot say with certainty that a revolution will or will not take place tomorrow or in ten years' time, we do not doubt that certain abuses and certain manifest signs of popular discontent increase the chances that sooner or later one will be attempted, while specific reforms and changes similarly decrease the probabilities of a sudden blaze. It is indeed a lack of capacity sufficiently to adapt government to alter-

ation in Bodin's sense that opens the road to revolution, or at least to revolutionaries; while the possession and use of such capacity likewise is a form of insurance.

Bodin investigates the requirements for stability in change. He agrees with Machiavelli that leaders need, above all, intelligence. However, his picture of the ruler gives less an impression of ruthlessness and cunning than does Machiavelli's *The Prince*, largely because he emphasizes rather the general problems of government than what might be called the tricks of the prince's trade. In accordance with his doctrine of national differences, he holds that it is fundamental for the ruler to understand thoroughly the national character, the dominant characteristics of his people and the way in which they may be expected to react to different stimuli. Indeed, preservation of the state is a continuous exercise in applied social psychology, in knowing when and how to conciliate and when and how to play upon understood emotions for public gain. While Machiavelli had insisted that the prince was a servant of the public, this is readily lost sight of in reading large portions of his work. Bodin, on the other hand, never forgets, nor lets his reader forget, that the king, however omnipotent, is essentially a trustee.

While understanding of the character of his people will carry the monarch a long way in his task of ruling them, there are certain specific dangers against which he must guard. First, a great inequality constitutes a serious threat to stability. Exaggerated differences in wealth promote jealousy and conflict and open the path to revolt. As we have seen, Bodin does not consider absolute equality at all desirable, believing that men are unequal and inferring that they should enjoy a corresponding inequality in their goods. At the same time he fears extremes, seeing in them the identical threat that Aristotle had long before perceived. The monarch, then, must by taxation and control of general economic activity protect the state against persons of outstanding wealth.

Scarcely less dangerous are frequent changes in the laws. Indeed, laws should be changed as little as is compatible with the necessary alterations in human affairs. Men get used to living with certain duties and feel disturbed when they have

new obligations imposed upon them or when the old are modified. This attitude is useful to the ruler, since through it obedience does become habitual. Men are unlikely to regard the accepted and normal as tyrannous, whereas new laws by their very novelty lead to questioning and resentment, quite apart from their character or justice.

It is the monarch's duty to see that justice is given to all. Hence he must control efficient courts, and there must be uniformity in the law in action. To attain these ends, procedure should be simplified and local systems of law abolished. The monarch's monopoly in this sphere will enhance his prestige. Bodin was here attacking that mixture of legal systems, that series of local laws and local courts that characterized France and was an impediment to the establishment of a centralized and unified kingdom. The courts were often owned as private property: when Bodin protested against the sale of offices, he did so as much in terms of the judicial as of the financial system. Yet such ownership continued for a couple of centuries, and as late as 1748 was defended by Montesquieu, who in other ways has so much in common with Bodin. But by then it was royal tyranny rather than disunity that was the great social disease in France.

A lesser danger peculiar to the France of Bodin's day was duelling. The nobility, no longer completely occupied by feudal tasks, was developing a somewhat touchy sense of personal dignity and finding an outlet for superfluous and uncanalized energy on the field of honor. Bodin felt that these people should be used in the king's service and disliked the wastage of good blood. It is noteworthy that one of Richelieu's important laws forbade duelling; and that he showed his strength in effectively enforcing it even against the greatest of nobles.

Like Machiavelli before him, and like a number of subsequent writers, Bodin appreciates the importance of religion to the state. Indeed, to him it is not simply a useful adjunct of statecraft, but one of the very foundations of order, being essentially conservative and customary. Nevertheless he does not consider forms important. As a *Politique* he urges toleration

and sees the folly of force. Whatever form was accepted by a religious group should be allowed, and a royal sanction therefore should be used to attach them the more firmly to the throne. It was the fact, not the form, of religion that made men conservative, sound citizens. Moreover, force was futile. It produced resentment and rebellion. It did not lead to conviction. That Bodin should take this position is to be explained partly by the fact that Protestantism was already well-established in France and difficult to exterminate. Moreover the Protestants were energetic and economically important, though their full value was only to appear belatedly after the Revocation of the Edict of Nantes. His scepticism as to the value of religious forms was, however, a basic intellectual attitude, and not simply a pose adopted for pragmatic reasons, as is shown in the *Heptaplomeres* (1588), where a debate between members of different faiths ends with the agreement that no one can have sufficient certainty as to the correctness of his way of worshipping to justify persecution—a view singularly suggestive of Voltaire's later teaching.¹

Despite this tolerant outlook, Bodin feels that, once a form of religion is established, there is danger in allowing it to be discussed. While seemingly prepared to tolerate a second religion, and believing that the two might peacefully coexist, his desire for perfect national unity was strong. Moreover, though a Frenchman first, he still remained a Catholic. In any event he did not want a continuous efflorescence of new sects disturbing the peace and keeping men in a flurry of discussion. If a religion was decently established and taken for granted by its own members, the state too should take it for granted. But novelty was not to be encouraged, and small groups who disturbed the peace might be exterminated before they gained such strength that persecution became ineffective. We suggested earlier that, while Bodin was a Catholic, he himself indulged a good deal in religious speculations and lacked at least inward orthodoxy. Yet he was in certain respects religious, and felt that atheism made poor citizens and poor men. The

¹See Chapter XXIII.

atheist was not to be tolerated. This view was widely accepted in his time, and indeed continued long after religion ceased to be a major force in political or practical affairs. Only in the eighteenth century were the ideas to which Bodin, among others in his age, gave voice to be so developed as to sanction even complete unbelief.

Although Bodin insisted on an absolute monarch, he felt that between the mass of the people and that monarch there should be advisers and interpreters, so that on the one hand the king might not be unaware of the desires, feelings, and needs of those he ruled, while on the other hand the people should not be without contacts with the source of power and should have known figures who would inform them of the king's will and make it intelligible to them.

Accordingly he suggests the need for a senate, a group of wise elder statesmen around the king, and for a body of magistrates. The term magistrate means not so much judicial officer as distinguished local leader, known to the people, but attached to the king by an office carrying a variety of functions. The citizen never had a right to resist the sovereign on his own decision, nor yet to control him. But the magistrates could and should present popular attitudes and requests to the sovereign, and in extreme cases, as with a tyrant, they might lead the people in organized resistance. Their attachment to the king would make such resistance unlikely without cause; while, should it ever occur, it would at least not result in complete disorder. Moreover the magistrates would be drawn from the more wealthy and conservative classes, from that growing *bourgeoisie* whose interests were normally allied with the royal power.

As a further guarantee that the king will be informed of the conditions of his people, Bodin proposes the establishment of a censor, modelled after the Roman officer of that title. He will collect information about the economic condition of the people and will take a census so that the populousness of the realm may be known. With this task he will combine disciplinary functions, the prevention of waste and conspicuous expenditure and the preservation of public decency. Thus

will be insured a sober and well-ordered people industriously devoted to their private tasks. Such a people is likely to be obedient and orderly, not given to faction.

Bodin's Significance and Influence

What is the position and significance of Bodin in the history of political thought? More than any other thinker, he represents the desire for a strong nation-state under kingly rule with a view to securing, not simply order, but that earthly well-being then becoming possible.

Certain comparisons are useful to clarify and give body to this thesis. Dubois, in many ways his precursor, is still living in the medieval, feudal world, even though that world is in process of decay. He has, no doubt, some vision of the future, is anxious to reduce the feudal nobility and prevent the escape of wealth to Rome. Yet, particularly in the international sphere, he still portrays a feudal order, and his desire is to make the French king, rather than the emperor, the overlord of Europe. At the same time, if he realizes that the church's appeal for unity has lost much of its effectiveness, he still finds it necessary at least to claim that what he proposes is primarily for the furtherance of the Christian ideal. Earthly welfare may be his aim, but he disguises this with a gloss of spiritual aspiration. Finally, it is the prevention of strife and the creation of order with which he is beyond all else concerned: education and the elimination of poverty are simply means thereto, and he is not interested in the state as a promoter of enterprise nor eagerly aware of the possibilities of prosperity for a new class protected by its mantle.

With Bodin all this is changed. The Renaissance and Reformation have occurred, and even a Catholic may proclaim, without any sense of inappropriateness, the primacy of the temporal. Order is indeed still significant, but the disorder to be overcome is not predominantly that of a basically feudal realm, but the anarchy arising from destructive religious wars, carried on through the anachronistic policies of a ruler who still conceives of the state as an instrument of the spiritual

power. Bodin sees in this tremendous economic waste, urges the monarch to cultivate his own garden, and insists that politics is an instrument for social well-being, with the aristocracy of enterprise, Protestant or Catholic, its rightful beneficiaries. A police order is indeed necessary, but with its achievement the monarch's duties do not end: order is the foundation for the effectiveness of a more positive policy. The doctrine of sovereignty is proclaimed that there may be a definite leader to whom all the nation may look for aid, while Bodin stresses the laws of succession that the pursuit of mundane affairs may not be intermittently hampered by irrelevant and destructive squabbles.

To contrast Bodin with Montesquieu, whose ideas in certain ways resemble his, is no less illuminating. Even where their ideas are similar, there are significant differences in spirit and emphasis. Both, it is true, insist on the relativity of human affairs, and both stress the importance of climate, topography, and national character. But in Bodin there is a triumphant sense of the superiority of northern Europe, and of France in particular, not present in the same manner or degree in Montesquieu. Bodin is commemorating the change in the highways of commerce and proclaiming the new feeling of enterprise and opportunity, while appealing to the monarch to give leadership in its effective exploitation. Montesquieu, while fully aware of economic possibilities, is mainly concerned with attacking the existing government as a hindrance, and his stress on differences between peoples involves an appeal for a more rational regime in France, with consideration for the particular French stage of development. Moreover Montesquieu, proclaiming the sovereignty of rational and universal principle, is aware of the growth of interrelatedness between nations, and argues for peace and prosperity rather than an aggressive mercantilist nationalism. His stress on the particular is no cry of triumph, and is counterbalanced by his emphasis on the common.

There are, however, yet greater differences between the two. Bodin had proclaimed opportunity for a new class and sang the death knell of government by an old nobility. The sovereign

was to encourage enterprise. But while Colbert did all he could along these lines, Richelieu, though he subordinated nobles and created intendants, left the survivors of feudalism without function but with privilege; and this last, combined with a monarchy that was dynastic rather than popularly nationalistic, proved a tremendous drain on France's resources. Bodin's state was achieved in Tudor England rather than in France, where sovereignty for long did not lead to internal peace, and then only produced the peace of ultimately unpopular despotism. The new class did not triumph, and by Montesquieu's time an irrational and oppressive regime had made mercantilism itself unpopular, while the enterprising were concerned primarily with protecting themselves. In the course of time this would necessitate their taking power into their own hands by the Revolution. Montesquieu, however, was still willing to accept monarchy, if it would but reform intelligently. Yet he does not share Bodin's doctrine of sovereignty: where the latter correlated well-being with an unchallenged, but tolerant, Catholic monarch, with all power centered in his hands, Montesquieu stresses the separation of powers and the value of local and independent courts. Their views of toleration itself are basically different: Bodin, granted his peculiar brand of religious heterodoxy, advocates toleration mainly that sovereignty may be made effective, whereas Montesquieu proclaims freedom for the inquiring mind as itself good and condemns utterly the use of religion for *raison d'état*.

Lastly, a comparison between Bodin and Hobbes is not without value, for to say that the latter developed the former's theory of sovereignty is not enough, and is, moreover, in certain respects misleading, however formally correct. Bodin's sovereignty is not simply legal, but constitutional: his concern is with continuity in succession for the effective promotion of a positive national welfare. His limitations on the sovereign, also, though perhaps to some degree survivals of older ideas and politically expedient lip-service to convention, arise from his deep feeling that the sovereign's task is to serve the nation that he heads. Of similar import is his tender regard for the subject's property. Hobbes, on the other hand, is no defender of

legitimacy. His sovereign attains and maintains his position through fear and force: the absence of strife is the highest good. Similarly, while Hobbes suggests the desirability of auto-limitation on the part of the ruler, he does so simply because it is expedient in terms of his continued power, and not because of any tenderness for the interests of the ruled. His state does indeed secure the enjoyment of property, but it does not promote its acquisition. Hobbes probably preferred the Stuart monarchy, and perhaps sympathized with the ruling class that lost its power with the Civil War and 1688. Yet he shows little perception of the significance of that struggle. Those who therein triumphed had discovered that the mercantilistic sovereign that Bodin desired and the Tudors illustrated was not lastingly adequate, and the parliamentary sovereignty of Locke is their substitute. It is, therefore, in a real sense Locke rather than Hobbes who is Bodin's successor, serving the same interests and eager for the same kind of well-being, but confronted with different circumstances in a country where Bodin's sovereign has already accomplished his task. Finally, Hobbes and Bodin differ considerably in their treatment of religion. Both are in their varying degrees sceptical, and both are interested in science, though in Bodin the mixture of old and new leads to credulity, whereas in Hobbes the triumph of Descartes and Galileo has begotten a rigid materialism. What is significant, however, is that, where Bodin pleads for tolerance that all may contribute to and share in the national prosperity, Hobbes insists on formal religious unity lest order be challenged and the monarch rendered insecure. Hobbes, in short, ignores the dynamics of class conflict in the interests of order, regardless of its content, while Bodin pleads for order and harmony that particular interests may be served.

Nevertheless, in terms of intellectual influence, Bodin is an interesting link between Aristotle and Montesquieu on the one hand and the Roman Imperialists and Hobbes on the other. More fundamentally, whatever the narrowing of his vision and the adaptation by him of principle to particular interests, he stands in that great line of thinkers who proclaim that the moral purpose of the state is the welfare of its people. A strong mon-

archist he was, but in no sense did he glorify Leviathan as an independent being that could ignore the aspirations of subjects. In subsequent thought the doctrine of sovereignty might become variously a panegyric of force, the worship of a concept, or an insistence on the majesty of law—all regardless of the effects in terms of human happiness. For him it was the embodiment of the community's authority and the means to commonweal.

Bibliographical Note

There is in English no recent book devoted exclusively to Bodin's social and political ideas. But Allen discusses Bodin's theories with his usual thoroughness in Part III, Ch. VII of the work previously cited, while his article on Bodin in F. J. C. Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries* deals magnificently with Bodin's theory of sovereignty. Hearnshaw himself has an article on "Bodin and the Genesis of the Doctrine of Sovereignty" in *Tudor Studies* (ed. R. W. Seton-Watson). R. H. Murray devotes Ch. IV of his *The Political Consequences of the Reformation* to that doctrine and to Bodin's relation to the Politiques. B. Reynolds's *Proponents of Limited Monarchy in Sixteenth Century France* is an interesting historical study, centering around Bodin and Hotman, and stressing, as the title implies, the limitations they placed on the sovereign. A balanced and clever discussion of the question of whether Bodin did limit sovereignty, and how, together with interesting reflections on the relevance of his theories to present-day issues, is M. A. Shepard's article, "Sovereignty at the Cross-Roads; a Study of Bodin," in *The Political Science Quarterly*, December, 1930. Unfortunately no recent or readily available translation of Bodin's works exists.

CHAPTER XV

The Counter-Reformation: Jesuits and Dominicans: an Ethical Attack on State Sovereignty, National and International

WITH the Reformation the unity of Christendom was irrevocably broken. Yet the Catholic Church remained the greatest religious institution in Europe, and it seemed not entirely impossible that it might bring back under its sway a considerable portion of the alienated peoples of Protestant countries. Certainly, granted strong measures, there was every likelihood of success in preventing the further spread of heresy. The collapse of the Conciliar Movement had ensured that the Catholic Church would be ruled as an absolute monarchy. It had not, however, shown to the papacy the wisdom of voluntary reform, of the removal of financial and other abuses. The Reformation made it obvious that discipline, both inward and outward, had to be achieved if all was not to be lost. Further, since the new struggle was to be analogous to war, that discipline must be achieved through a single head: it was for the Popes themselves to inaugurate and direct any movement for internal reform or for external aggression.

The Character and Theory of the Counter-Reformation

For effectiveness, however, the church needed the support of some strong temporal power. While the papacy had returned to Italy, the dissensions in that country and its general way of

life prevented it from giving leadership. On the other hand, the Reformation had not touched Spain at all. That kingdom was prosperous and powerful with the wealth of the Indies. It was, moreover, ruled by a monarch who was prepared to use his state for the church's service. To counteract the Reformation and to give discipline to the church, the Emperor Charles V insisted that a general council should be called. Clement VII accordingly ordered one to meet at Mantua in 1537, but owing to the objections of the French king, Francis I, it did not then take place. It met finally, after Clement's death, at Trent in 1545, and was intermittently in session till the end of 1563. The sessions resulted in the clarification of church doctrine and in the organization of the church for aggressive action, both of which were largely due to the leadership of the Jesuits.

It was indeed the Society of Jesus that gave the Counter-Reformation such success as it had; and the leading Jesuits were Spaniards. The order had been founded as a militant body by Ignatius Loyola, a man at once fanatical and realistic, for the propagation of the faith by intensive education and aggressive propaganda. In the popular mind the order is often connected with the Inquisition and with bitter persecution and warfare against the Netherlands, though the Inquisition was in fact much older, dating from the time of Dominic. At the time of the Counter-Reformation, however, it underwent a change of emphasis. While it was based on a sincere conviction that extermination was better for the soul than bodily survival in a state of sin, it was perverted by the unfortunate combination of a fanatical group of churchmen and a ruthless civil power which at times used the movement for its own ends.

One should not forget, too, that the Jesuits became the great educators of Europe and that amongst them were numbered some of the acutest minds of the period. Moreover, if "jesuit" suggests sophistry, the leading philosophers in the Society were in their social philosophy extraordinary liberal; while, if the Inquisition was inordinately cruel as judged by present day standards, it did succeed in eliminating certain abuses in the church and in recalling the latter to its spiritual mission. Its

practices, moreover, were not excessively harsh when judged by the usage of the time; while, though it was manifestly liable to abuse by interested and insincere parties, the actual trials it conducted were, granted its premises, fair and careful. Indeed, the existence of well-defined rules ensured that heresy trials would be far less arbitrary than certain similar affairs conducted by Protestant groups and leaders.

While the Counter-Reformation is normally linked up with the Society of Jesus, that order was not the sole influence or force therein. The Dominicans, whose leading philosophers at the time were also Spaniards, were no less significant. While the Jesuits primarily stressed discipline and the supremacy of the papacy, the Dominicans, developing and applying to the new situation in Europe the scholastic philosophy of Aquinas, emphasized the higher law, the moral purposes of the church and of the state. It was their task to remind authority that power was based on function and had obligations in terms of Christian ethics. Particularly they insisted that the Spanish empire in America did not exist for the sole gratification of the rulers, and in preaching the doctrine of responsibility towards non-Christian and simple peoples developed a whole theory of international relations.

The various thinkers whom we must analyze differ considerably in their viewpoint. A general analysis of the main doctrines, at least of the Jesuits, may nevertheless be worthwhile. The Counter-Reformation proclaimed the doctrine of papal infallibility, asserting the supremacy of the Pope within the church when he spoke *ex cathedra*. This gave the church a clear and undisputed head and avoided internal dissension that might have weakened it. All its energy could be concentrated on the struggle against Protestantism. Even more than this was involved: in conjunction with the general philosophy of the church as it had been worked out over a period of centuries, it led to the claim that the church as represented by its chief official was the one sovereign on earth, the sole interpreter of what was right. The most excessive claims were, therefore, made at a time when the church was powerless to enforce its will, and when the national state was already securely

established. The corollary, of course, was that kings or other secular rulers were subject to the church and that their function was a distinctly inferior one. The state was a purely utilitarian affair to preserve order; it had no direct connection with the sole purpose of existence, salvation. The Pope was accordingly endowed with indirect power over all temporal monarchs. While the existence of the nation-state was admitted, it was admitted only that the latter might appear of lesser importance than the church because it was only a local body. Neither Gregory VII nor Boniface VIII had dared to claim so much. Nevertheless, if excessive claims may often seem to be the outcome of declining power, it is also true that a sense of rightness and superiority may be not ineffective in creating the morale necessary for victory.

The practical effect of the position was, however, to make the relations of church and state international. The Jesuits, skilled in diplomacy and entrusted with the task of preparing defenses for the papacy in its quarrels with other powers, were among the first to develop doctrines of international law in relation to the conditions of the modern world. The Pope, they held, interpreted the law of God, upon which the law of nature depended. That law, having as its aim justice, was higher than any national law, which was mere custom. The civil power was admittedly of purely secular character. For that reason it was subject to the spiritual. The divine right of kings, the chief theoretical basis for secular authority at the time, was held to be erroneous. The king was merely a delegate of his people and of God. The sovereignty of the people was proclaimed as part of the law of peoples, which sprang from the law of nature and was based on custom and consent. The people were a corporate body directed by the church, and it was to them that power belonged.

The church was compelled to admit the growth of different nations and to realize that it could not control them all directly. But they needed, and necessarily had, relations with one another, and in order that these relations might not be hostile and arbitrary they had to be governed by some principles of law that rested ultimately in morality. Moreover, some com-

mon authority was requisite to interpret and apply such principles. The law of peoples developed out of human need. Based immediately on custom and consent, it arose ultimately from natural law, which had its source in the law of God. The church, therefore, gained indirect power as the interpreter of this law, and the Pope could claim to stand as an arbiter above monarchs, as of yore.

Yet practically church and state were separate. If the former claimed ultimate authority as interpreter of the law of God, the necessities of the situation forced it, in a world of temporal states, to assert its right to be considered as one power among others. It had by implication to admit the sovereignty of the state, to recognize that the state was a society with independent authority of its own.

The church's position was indeed highly difficult: on the one hand, it had to be a super-authority in terms of its spiritual purposes, and on the other, it was driven to insist on the recognition of itself as a particular earthly power. The various ways in which these ideas were worked out we shall see to some extent by examining the views of certain leading Jesuit philosophers of the latter half of the sixteenth century, while the philosophy of the leading Dominican thinkers, developed some years earlier, may be used to supplement the picture.

Mariana: Life and Works

Juan de Mariana (1536-1623) was a Spaniard who entered the Society of Jesus at the age of seventeen. After receiving the usual training and education, he was for a time a professor both at Rome and at Paris. It was, however, only after his retirement to Toledo in 1574 that he wrote those works on which his fame rests. Mariana was a nationalist, more concerned with the problems of Spain and with social reform than with the defense of the claims of the spiritual power or with the development of doctrines of international relations. He is, however, interesting as one of the first church writers concerned chiefly with secular and local welfare, and as an evidence of the degree to which the nation-state had already be-

come a dominant institution in the life of the western world. His first great opus was the *Historiae de Rebus Hispaniae* (1592), one of the chief early works on Spanish history. His political philosophy, however, is contained mainly in the *De Rege et Regis Institutione* (circa 1598), *Concerning the King and the Institution of Kingship*. There he analyzes the source of authority in the state and also the origin of the state itself. He goes far beyond this, however, and, following the footsteps of Aquinas, discusses a variety of social and economic conditions with a view to reform. He has an intensely realistic attitude towards politics, and deals with the problems involved in the manner of Machiavelli. He was concerned, we must remember, with the well-being of Spain; and his sympathies there are with the common people, who had not profited from Spain's great empire, but had suffered from royal ambitions.

*Mariana's Theory of the Origin and Purposes
of Government; Popular Nationalism*

Mariana starts his analysis by postulating a state of nature in which, as in Hobbes' state later, there are neither rights nor property. Yet men feel the need for defense, and so submit to government to overcome the disadvantage of the natural order. It is their fear of destruction and need for protection, their desire for rights and property, that create society and organize political authority. Mariana feels, however, that the setting up of authority is not an unmixed blessing. Property may, indeed, be defended thereby; but it is defended because those in authority have property, which both in its origin and in its functioning is evil rather than good. Authority makes law, it is true, and so overcomes disorder. Yet law soon turns into an instrument for oppressing the masses rather than for protecting society. Through its excesses it becomes as bad as the vice of the natural order.

To put all this otherwise, the state is created to overcome the misery of a state of nature, but replaces anarchy with tyranny. Yet the true object of government is the welfare of the governed; and the rulers, chosen by the people in terms of their

needs, are rightfully limited by the ends for which they exist. A monarchical form of government is useful for promoting and cementing national unity, but a monarch too easily becomes a tyrant. Mariana was desirous of creating a strong nation, but he conceived of the nation as the whole people, and recognized that the monarch, who ought to lead it and act as its executive, might well act contrary to its interest in terms of his ambition. Yet, while he sympathized with the people, Mariana could not accept the democratic idea of government by majority vote. The solution, he believed, lay in a union of the nation with the papacy: the two together could then prevent the royal power from transcending the dictates of natural reason and law. In this way he cunningly ties together nationalism on a popular foundation and a super-national, spiritual authority. The right of the national state to exist is admitted, and the church gains control over it only by indirection, working through its own inhabitants.

The medieval use of interdict and excommunication to preserve unity was thus revived and strengthened: a united and self-conscious people was encouraged to view its own well-being as effectively furthered and protected by a higher, spiritual power, which, testing the performance of rulers in terms of general and non-material ends, at the same time aided men in attaining earthly well-being.

Nevertheless, Mariana provides for self-help in case the monarch does become tyrannical. He regards a tyrant as one who has either usurped authority or, while possessing it rightfully in the first place, has abused it by oppressing the people. A tyrant may be removed summarily: Mariana justifies tyrannicide as a defense of the purposes of government and an attack on its perversion. Yet he looks on such action as a dangerous medicine, to be used only in extreme cases, seeing clearly that it is essentially revolutionary in its nature and purpose. Authority does, indeed, proceed from the people, and a reserve power resides in the community. Nevertheless, it is unwise for the people to insist too nicely on their rights, or to use extreme measures until all other paths have been explored.

Monarchy is, after all, the least evil form of government, and

the monarch should not be removed without being first given an opportunity to reform. The representative assembly of the people should protect the public rights, and when a king ignores his limitation he may be deposed by the proper leaders of the people. Whenever this is necessary, it should be done without disturbance, since disorder is harmful to the nation's welfare. Nevertheless, every nation does have its fundamental law, formulated by the estates of the realm, whose duty it is to guarantee its observance. This law is higher than the king himself, and he must not attack it. Further, he must submit on the one hand to the will of God and on the other to public opinion. The state is, indeed, independent of the church and has its own purposes, but the ruler of the state is not independent of his subjects and must not attack their faith.

This doctrine might, it can readily be seen, be used to justify Catholic resistance against a Protestant monarch. Mariana, naturally, was more concerned with keeping Protestantism from spreading into Catholic lands. As a Spaniard, he therefore argued that it is dangerous to have two religions in one province. This will hurt order, since it is hard for people of different persuasions to keep faith with one another. The similarity between his teaching and Luther's in this respect is perhaps worth noting. Indeed, the Peace of Augsburg involved a recognition by Catholic and Protestant alike that social order, which could be secured effectively by the state power alone, was not to be utterly sacrificed for the sake of belief.

Mariana was not, however, the advocate of a completely unified state. He argues that, subject to the basic purposes of government, it is desirable for the ruler to treat the various provinces of his realm according to their individual customs. This was peculiarly important in Spain, where the provinces, then as now, had distinct cultural differences. For Mariana government is a flexible instrument to aid men in achieving that social welfare which is of basic importance. Accordingly he does not glorify the state, which he regards as at most an historical rather than an inherent necessity. Ideally he believes the best life is to be lived in primitive communal associa-

tions, based on mutual aid, but that this is not practicable. Hence government has to exist, though with proper restraints.

*Mariana's View of the State as a
Social Service Institution*

At the same time he holds no brief for the diminished state performing merely police functions. Authority may be limited and power a trust, but the extent of the state's functions is determined by the particular needs of the society under consideration. The state, said Mariana, has an obligation to look after the poor by means of a poor law. Spain at the time was overrun with beggars, a situation that continued long afterwards and is, indeed, still to be met today. This, however, was not enough. The state also ought as far as possible to eliminate the causes of poverty by promoting the economic life of the country, and in particular agriculture. Here again there is criticism of contemporary Spanish conditions: the exploitation of an empire, with the resultant appearance of prosperity, had led to a sad neglect of Spain's internal economy, which was further sacrificed through the zealous devotion of the king to the supposed interests of the Catholic Church, both within and without his realm.

Mariana, indeed, did not spare the church itself, demanding a reduction of its wealth. The church in Spain was a tremendous drain on the resources of the community and was to continue to be so until the recent republic undermined its power. Mariana further attacked debasement of the coinage, a policy practiced by Philip II to the hurt of his subjects. Indeed, he wrote a special treatise thereon, the *De Monetæ Mutatione*, in which he endeavored to prove that debasement led to a rise in prices and thereby increased poverty. For publishing this work he was prosecuted as a criminal. In the sphere of economics he also protested against the farming of taxes, recognizing that this was a costly and oppressive method of collecting state revenues, and demanded the establishment of a system of public accounting and budgeting in the name of econ-

omy. Finally, he argued in a thoroughly modern spirit that a system of graduated taxation was alone truly equitable.

Though Mariana was thus concerned primarily with the material welfare of the people, he also felt that the state had responsibility for their moral well-being. He therefore attacked the theater, which, like Rousseau at a later date,¹ he felt corrupted the morals of those who attended. With the theater he coupled that popular Spanish institution, the bull fight.

While Mariana championed social reforms in a thoroughgoing manner, he also advocated cunning stratagems for the keeping of power. The ruler must seek peace and safety at home by warfare abroad, and he must rule his subjects through obtaining their good will, something to be done, not by serving them, but by playing on their hopes and fears. They must always be expecting improvements, for this would keep them loyal, while they must be threatened with severe punishment if they offend. Apparently Mariana did not believe that "hope deferred maketh the heart sick." The ruler should, however, always appeal to the self-interest of his subjects: men were creatures of desire and were highly calculating. The profession of fine ideals was therefore less important than a recognition of what subjects considered useful to them. Nevertheless, it was justifiable to deceive subjects for one's own ends; and dissimulation, which Mariana sophistically distinguishes from lying, is a proper technique of government.

It is somewhat difficult to reconcile these last views with Mariana's general social philosophy. It is, however, possible that, while he did not agree with Machiavelli in holding that the strong prince was the means to national well-being, he did feel that the people were short-sighted, and so foolish, and that it was for their governors to employ necessary techniques to get the requisite consent and support for carrying out policies directed to the welfare of the people themselves. He may further have felt that if tyranny was undesirable and warfare unpleasant, the preservation of order and the gaining of security were necessary conditions of national welfare. While part of his

¹See Chapter XXII.

doctrine was useful to the church, its whole tone was too secular, too critical, and too immoral from the standpoint of accepted Christian ethics for the church completely to approve it. Accordingly, his work was finally condemned.

*Bellarmino: the Alliance of Church and People
to Limit the Sovereign's Power*

A far more direct defense of the church's interest was given by Robert Bellarmine (1542-1621). While not a Spaniard, he, like Mariana, became a Jesuit at an early age and like him, too, went in for teaching, lecturing at Louvain from 1570 and being appointed to the chair of Controversial Theology at the newly created Roman College in 1576. Unlike Mariana, however, he took part in some of the leading controversies of his day and was one of the chief defenders of the papacy. In 1599 he became a Cardinal. To him was entrusted the task of defending the church against Galileo, who was one of his personal friends, and also against Pierre de Belloy, the chief apologist for Henry of Navarre. He also replied on behalf of Pope Paul V to the attack on the papacy made by the Venetian Paolo Sarpi, the historian of the Council of Trent, who in his work had argued that the papacy had wrongly destroyed the Councils and made itself absolute.

Bellarmino's chief political philosophy was, however, contained in certain of the *Disputationes*, written between 1581 and 1593, and in the *De Potestate Summi Pontificis in Rebus Temporalibus* (1610), *Concerning the Power of the Supreme Pontiff in Temporal Affairs*, written as an answer to James I of England and to Barclay, and denying the right of the former, in the years following the Gunpowder Plot, to exact an oath of allegiance from Catholics.

In the first-mentioned work Bellarmine started by admitting the independence of the secular state. He believed that a simple monarchy with a mixed form of government was the best secular political organization. The king, that is to say, was to be sovereign, but the different groups in his realm should be represented in the work of government and possess some gov-

ernmental functions and powers. Human beings were weak creatures. Accordingly they needed a final authority over them. But the monarch, who was himself human and subject to temptation, also required to be checked. This theory of mixed government differs somewhat from the concepts of Aristotle and Cicero in that it is not so much the need for stability that is stressed as the dangers of centering power in any one individual or group. The idea is not unlike that of some of the early American Federalists, and is indeed based on the same concept of checks and balances.

Such a system, however, was not of itself adequate to secure righteousness, while temporal affairs were not of the highest importance. The secular state might be independent: it could not be absolute. The salvation of souls transcended earthly well-being, and it was necessary to have some control over the state lest in pursuing its ends it might do acts harmful to the ultimate welfare of Christians. The Pope, therefore, though not having secular authority, possessed an indirect power, since salvation was his sphere. Indeed, the highest end of government, however independent it was as a secular force, was to aid men in their spiritual venture. Should the ruler harm his subjects in this respect, he might, indeed, be deposed. His secular authority was always conditional, never unlimited. Princely authority was sanctioned by God, but it was always given subject to the performance of function and to the observance of limits in terms thereof.

Of these limits the Pope was the interpreter. He might himself order the deposition of a ruler who became heretical or who interfered with the religion of his subjects. Moreover, if the prince failed to govern with a high regard for the interests of the people under his care, they might be permitted to resist by the Pope, whose permission made their behavior moral. In the eyes of the Pope, who received superior authority from Christ, the king and his subjects were all equal, for from the point of view of the church there was no difference in nature, though there was a difference in function, between kings and commoners. Indeed, the church itself was the most perfect of

political institutions, with a claim to authority, even though indirectly exercised, over the whole world.

In developing this theory, which was stated most pointedly in the latter of the works mentioned, Bellarmine was incidentally defending the idea of popular rights and of democratic equality. Essentially, however, his object was to insist on the right of the papacy to interfere in the affairs of particular states where the well-being of Catholics was involved. In his view the Pope was a super-national authority beyond the nation-state, but at the same time a party in international affairs, and even in the internal affairs of the state, since at least Catholics owed to him a certain allegiance and looked to him for protection. They were also subjects of their sovereign. The spheres of the authority of Pope and king were different, but where conflict occurred the Pope's authority was, by reason of the ends involved, superior. It was this type of argument that made Catholics so generally unpopular in England during the sixteenth and seventeenth centuries, and it was on the very ground of a dual allegiance that it was frequently argued that Catholics could not be good citizens. Indeed, Hobbes's complete condemnation of Rome was based very largely on his resentment at the interference of the church, with Bellarmine as its mouthpiece, with the policies of James I.

*Suarez: Christian Philosophy as the
Basis for International Law*

The full development of a doctrine of international law by the Jesuits was, however, the work of Francisco Suarez (1548-1617), who was professor at Coimbra in Portugal between 1597 and 1616. His great work was the *Tractatus de Legibus ac Deo Legislatore* (1612), *A Treatise concerning Laws and God the Legislator*.

Suarez starts with the proposition that all moral beings are determined in their relationships by law. But the question is, by what sort of law? He divides law into three branches, divine, natural, and human. It is on the last two that his whole

political theory in the main rests, with divine law, the very ordering of the universe, as the basis from which they indirectly derive. Natural law is essentially the moral conscience. It is a capacity implanted in the human mind that causes men to distinguish the upright from the base, and it is given to men by God. Human law applies and supplements this, and gives to it a sanction. Suarez defines it as "a precept, common, just and stable, and sufficiently promulgated." This definition is of considerable interest in that, in the manner of Aquinas, it combines together the volitional element in law, on the one hand, and the element of right reason, on the other. That is, it contains the essential conditions of sovereignty developed by later political philosophers who stressed the view that law was a command binding on all, while at the same time it insists, in common with various modern critics of the orthodox theory of sovereignty, that the will of the legislator has the force of law only when it is based on right. Legislation has to be in terms of principle. It cannot be simply the outcome of the desire of those having authority. The very pattern and basis of all law in human society has to be that natural law implanted by God in men for their good, that they may attain the good life. This law, from which other law proceeds, is unchangeable by time, by place, or by man. It is absolute and from it springs the unity of mankind, since nature has as its elements love and piety, which bind men to one another and to God.

This universal unity includes all the states into which mankind is divided. These are members of it through their need. Suarez, however, does not identify the law of nature and the law of nations. Indeed, he is very careful to show the distinction between them. Men and states are evil, owing to the Fall. Hence the good law of nature cannot be applied directly to them. It has to be adapted to their needs and given a sanction. International law, therefore, contains a positive element. But what is its content? It is composed of the good elements in all human practice, and derives partly from natural reason and partly from custom, which embodies men's rude understanding of basic moral principle. States themselves are part of that custom. Though they may be complete societies internally,

they must have relations with one another. For the human society to thrive there is need for an association of sovereign states and a body of law to regulate it. This body of law originates in that element of moral and political unity that exists among all peoples.

Hence the law of peoples constitutes a code for the intercourse of states. It has its source primarily in the element of natural good in men. It is made necessary because positive law, which fulfills social needs in the individual state, is not sufficient internationally. That law is simply the will of the state, emanating from a ruler to whom the people have alienated the power that is truly theirs. International law is law dealing with the relations of these states, and, because these change and new conditions develop, it is not, like the law of nature, an immutable law. It consists of the rules and regulations between states existing at any time insofar as these are genuine law, that is, insofar as they have their basis in ethical principles.

*Suarez's Doctrine of Political Sovereignty,
with the Church as a Check on
Its Exercise*

Suarez supplemented these theories with an examination of the relations of ruler and subjects. This is contained in the *Defensio Fidei Catholica Adversus Anglicanae Sectae Errores* (1613), *A Defense of the Catholic Faith Against the Errors of the Anglican Sect*. This, like Bellarmine's defense of the papacy, was an attack on James I, though of a more general character. In it Suarez endeavored to disprove the doctrine of divine right that James had defended not only by deed and by the spoken word, but by his writings. Government, Suarez argues, is based, not on the inherent right of the ruler, but on the consent of the governed. God gave political power directly to men associated in the state, which is the perfect political community. The people as a whole, therefore, were the recipients of the gift. They might, however, transfer and alienate it, handing it over to a single person by voluntary con-

sent or by election. Once such a transfer had been made, it was, nevertheless, stable and perpetual. The work of one generation bound its successors and there was no need for further consent.

This, it is interesting to note, was an argument subsequently used by conservative thinkers, who argued that society was organic and that, if there was an original social contract, its occurrence was an argument for submission to existing government rather than for participation in it or control of it. Suarez undoubtedly used such a line of reasoning because he shared the traditional Catholic desire for stability and order in politics and feared the revolutionary implications of the alternative doctrine—a position comparable to that of Richard Hooker, who used essentially the same argument in defending the Church of England against the Puritans.¹ He was also perhaps anxious to disassociate his Order from the immoral doctrine of Mariana: it is significant that he argues strongly that tyrannicide is not justifiable since the individual has no right to pass judgment. At the same time Suarez is not anxious to give aid and comfort to absolutism. He therefore insists that the ruler, although he is sovereign, is nevertheless limited morally by the terms under which the people alienated their power. His law is law only when in conformity with natural justice. Otherwise it is void and may be disobeyed. In extreme cases of consistent abuse, indeed, the commonwealth, acting through a public and common council of cities and leaders, may depose the king. It must, however, not do so if that would be to the injury of the people.

Finally Suarez insists that the supreme ruler is the law of God. On earth this is interpreted by the church. From God proceed all the valid rules of society, national or international. It follows that the principles for the intercourse of states are the principles of Christian morality interpreted by the church, and the church can also interfere with the internal government of states in terms of those principles.

The chief result of the Jesuit philosophy in the period of the

¹ See Chapter XVII.

Counter-Reformation was, then, to insist anew on the supremacy of the church in the world of men, with the Pope as the central authority in that church. In doing this, it had developed a theory of law that was essentially international law, and it had made the church, working through the papacy, on the one hand a party in international affairs and on the other the supreme international authority. As we suggested in the beginning, however, it was the Dominicans rather than the Jesuits who developed the content of such a law out of the system of ethics of Aquinas. Where the Jesuits were concerned with defending and advancing papal claims against heretics and enemies of the church, the Dominicans were primarily concerned with seeing that neither the church nor its temporal defenders should indulge in immoral behavior.

*Vitoria: the State, Law, and the
International Community*

Probably the chief Dominican theorist of his period was Francisco de Vitoria (1480-1546). Early in his life he went from Vitoria to the City of Burgos, where the sovereigns of Castile were at the time living. There he received his early schooling, on the completion of which he entered the order of St. Dominic. Thence he was sent, after some period of study, to the Convent of St. James in Paris, which was then the intellectual center of the Order and was affiliated with the University of Paris. He began lecturing there in 1516, but returned to Spain in 1522 to teach theology in the Dominican College of St. Gregory at Valladolid. Two years later he was appointed to the principal chair of theology in the University of Salamanca, where he remained till shortly before his death. There he founded a new school of theology based on the teachings of St. Thomas Aquinas. He seemingly became interested in political and legal matters because of his belief that theology rightly included the legal sciences, owing to their moral and spiritual content. It was, however, the discovery of the New World and the conquests of Spain there during his lifetime

that led to his development of doctrines of international law. The relations of the Spaniards in America to the natives and all the problems of imperialism raised by Spanish ownership of a large part of America not unnaturally gave rise to a variety of questions of international relations. His theories of law, national and international, are contained on the one hand in one of the *Relectiones Theologicae*, which concerns itself with the civil power, and on the other hand in the *De Indis* (1532) and the *De Jure Belli Hispanorum in Barbaros*, written somewhat later.

Starting with a general insistence that the law of a state must be essentially moral law, Vitoria went on to define the state as a perfect community, that is, a community that was complete and lacked nothing. It must contain subjects, have sovereignty internally, be independent of foreign control, and possess a form of political organization, that is, a government, by which the will of the people collectively might express itself and be enforced. This, it should be noted, corresponds somewhat closely with most modern definitions of the essential conditions of statehood. It is particularly interesting to observe that Vitoria apparently conceived of government as deriving its authority from the people. In common with the other writers surveyed in this chapter, there was in his thought a considerable democratic element. He combined with this, however, as they also had done, an insistence that the ultimate source of political authority is God and that it was the duty of government as a servant of God's will to use its power for the welfare of the governed. As to obedience, however, he was somewhat more cautious than the Jesuit writers, insisting on the duty to obey even the laws of tyrants. Yet he did argue that, while the law of God, that is, the fundamental principles of morality, were always binding whoever the ruler, positive law, the work of the legislature, had to be just to command consent. Indeed it had to be both for the good of the state as a whole and consonant with the other laws already existing.

The prince himself derived his authority from the election of the state. This election was sufficiently evidenced by ma-

jority consent, owing to the practical necessity of having decisions made and the impossibility of necessary action if a wider basis of authority were required. If, however, the majority made a monarch, they could not depose him of their own will. While his authority was subject to the law of God and must be used justly, he was not subject to arbitrary removal, but could be deposed only when there was a reasonable cause for such action. That is, while the monarch might not legislate on the basis of arbitrary whims, the people could not depose in terms of selfish and particular desires: both alike were subject to principle, to a higher and universal law.

It is, however, Vitoria's doctrine of international law that is the most original part of his thought. In the *De Indis* he went far beyond an investigation of Spain's legal claims to empire over the people and land of South America, developing a general law of peace. He argued that there was an international community that included both Christian and non-Christian nations, who had equality as members thereof. The law that governed them was the law of Christendom, a law binding on all countries.

What, however was this international law? It was essentially law derived from the national and from the moral law, which he held to be, not simply a moral declaration, but a law capable of giving rights and imposing obligations. It was developed by, and made up of, custom and treaty commitments, and rested ultimately on an agreement of the majority of nations arising from a recognition of the common good of all. Nor was this law simply an agreement of the majority who chanced to find it useful, binding on them alone, without any power over the rest of mankind. It had the force of law, since the world might be conceived as a single state with the right to create laws governing all its persons, providing those laws were just. He argued from this that those who violated the international rules, no matter whether in peace or in war, committed grave sin. For just as the state was a group of individuals united for social and moral purposes, so the international community was a group of states likewise united. Indeed, he

insisted that in certain fundamental matters, such as the inviolability of ambassadors, a country could not refuse to be bound by international law, which rested on the authority of the whole world.

Nevertheless, while Vitoria was thus able to insist that international law was truly law, a position disputed long after his time, he had to admit that the sanctions were in the main moral. Indeed, because no courts existed for granting redress to aggrieved states, he maintained that war could not be entirely outlawed, though he insisted that the sole just war was one to undo a wrong received, and it was just only because no alternative procedure was offered. That is, Vitoria would have denied the claim frequently made by modern sovereign states that certain classes of dispute are by their nature non-justifiable, and would have insisted that when a court did exist to which disputants could submit their controversies they had a moral obligation to do so.

Indeed, he went yet further. The lack of an acceptable authority to adjudicate a dispute between states and the existence of a *casus belli*, a legitimate ground for war, did not of *themselves* justify the actual making of war. A war injurious either to the state making it, or to Christendom generally, could never be justified. The purpose of war was to redress a wrong. If the harm done by that war, either in terms of the well-being of the wronged or of the general well-being of the comity of nations, outweighed the initial injustice, it was manifestly a moral duty to refrain from organized violence.

While it might seem that Vitoria was naïve in expecting this doctrine to have any effect on international behavior, his teaching in this matter has not been without influence. Today particularly many Catholics condemn the making of war on the ground that under modern conditions *any* war is so harmful, in terms of men and money, to the state making it that the suffering undergone by the people far exceeds any good to be accomplished; while most wars today are potentially threats to the general well-being of Christendom, owing to the difficulty of localizing them.

*Vitoria's Insistence on the Moral
Responsibilities of Empire*

Apart from these general theories, Vitoria argued for humane treatment of the natives in the Spanish empire on the ground that they too were human beings and hence belonged to the human community. To teach and convert them was not only permissible but desirable, but to treat them harshly and exterminate them unnecessarily was contrary to Christian ethics.

In this, as in his general teaching, Vitoria was followed by Domingo de Soto (1494-1560). The latter, a Dominican trained in philosophy and theology, became professor of theology at the University of Salamanca and was one of the representatives of his order at the Council of Trent. But, most interesting, he was an adviser to Charles V on colonial policy, and from his experience in that position gained considerable insight into the problems of colonial government and the needs of empire. In his work, *De Justitia et Jure* (1553-54), *Concerning Justice and Law*, he developed both the essential principles of morality on which policy towards the natives should be based and a doctrine of international relations not unlike that of Vitoria. He did, however, make a distinction of some importance between natural law and the *ius gentium*, the law of nations, which made it simpler for him to insist that international law was genuinely positive law, not simply moral precepts.

By way of conclusion, it may be said that the Dominican thinkers, intimately connected with the development of imperialism and trained in the humane ethics of Aquinas, were less interested in the particular squabbles of the authorities of church and state. Thus, while the Jesuit doctrines of international relations were limited in their influence and were perhaps suspect, the Dominican theory was somewhat more widely influential. Indeed, there are those who argue that Vitoria rather than Grotius should rightly be considered the founder of international law in its modern form. Certainly some of his

teachings were much more fundamental and far-reaching in their implications. Be that as it may, it was the Protestant writers, from Gentili on, who gave these doctrines widest currency, basing them as they did on a doctrine of natural law not connected with the law of God as interpreted by the Roman Catholic Church.

Bibliographical Note

There is a brief treatment of some of the material in this chapter in Allen, Part III, Ch. VI, and a still briefer one in Murray, Ch. VI. Figgis discusses Jesuit thought in Lecture VI of his *From Gerson to Grotius*. His *Divine Right of Kings* also deals with the subject. Jesuit political theory is analyzed in its anti-monarchical aspect in the fine introduction by C. H. McIlwain to his *The Political Works of King James I*. The treatment of Bellarmine is particularly good. A careful analysis, very good especially on Mariana, is in Ch. IV of Dunning's *Political Theories: From Luther to Montesquieu*. In Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries* there is a clear and valuable article on Suarez by A. L. Lilley. A series of lectures on *Francisco de Vitoria* published by the Catholic University of America is probably the most available work on that thinker. In it, H. Wright's *Vitoria and the State* and J. B. Scott's *Vitoria and International Law* are particularly useful.

J. B. Scott has done a more lengthy work, entitled *The Spanish Origin of International Law; Francisco de Vitoria and His Law of Nations*. This, however, is mainly useful to the specialist. The same may be said of J. Broderick's *Blesséd Robert Bellarmine* (2 vols.), though it is less technical and constitutes a thoroughly interesting biography.

CHAPTER XVI

North European Thought: Toleration, Corporate Federalism, and the Limitation of International Anarchy

*Conditions in North Europe,
Particularly Holland*

WHILE the foundations both for democratic philosophy and for international law were contained in the Catholic philosophy of the later Middle Ages and of the Counter-Reformation, and derived ultimately from certain elements in the Roman tradition that the Catholic Church had inherited and adapted to its uses, it was in the more northern parts of Europe and under the aegis of Protestantism that the theory and practice alike of democracy and of international relations came to fruition. As we have shown, the Reformation brought with it the expansion of the sphere of individual judgment, the growth of commerce, and the development of the sovereign nation-state, which became at once, by the practice of mercantilism, the handmaiden and the director of economic activity. It was in no small part the emergence of a new class and of new techniques of wealth-getting that gave force to democratic, or at least anti-authoritarian, ideas, even though for a certain period the fight against the older authority and ethics of the Catholic Church might lead to the development of doctrines of divine right.

Scepticism and toleration likewise developed, largely because they were adventurous and profitable, as well as because the proliferation of creeds made toleration necessary as a basis of unity for the pursuit of material ends. Similarly, while the

growth of competing nation-states and the opportunities for wealth afforded by the expansion of Europe made for international anarchy, with continuous and highly destructive warfare carried on without any regard for the moral ends of mankind, the very destructiveness of such procedure and the recognition of the mutual interests between nations led to reflection on the follies of perpetual strife and the search for a code that might overcome anarchy without disregarding the practical interests of sovereigns.

During this period the history of Holland is peculiarly revealing, since there the different forces met and combined. There banking took on its modern form, with Amsterdam becoming the financial center of Europe in much the same way that London later became the banker of the world. Holland became a great trading power with a very considerable marine force. At the same time, it became a center of art, patronized, not by great princes, but by solid burghers. Scientific knowledge developed, and there was a general flowering of thought. Numerous theologians of different sects gathered there, and the doctrine of toleration was not only advocated, but to a considerable extent adopted as a practical policy. Holland went through a long struggle for independence from Spain and endured much persecution. It became an asylum for those persecuted in other lands and thus took on a cosmopolitan, European tinge. At the same time, through the union against the common foe the sense of national independence grew peculiarly strong in it. In Holland, too, the dominance of the towns and of the town merchants and the lack of a long-established government by a line of its own rulers to whom reverence was habitually given led to the demand for a popular basis of power and the recognition of a public and decentralized source of authority. The Counter-Reformation from Spain had tried to put down the anti-authoritarian movement, with the civil and religious powers combining to that end. The effort resulted simply in an extreme worship of freedom and the final attainment of independence.

William the Silent was the first ruler in the western world to adopt a policy of full toleration based on conviction rather than

on expediency, while Marnix de Saint Aldegonde gave a philosophy to the Netherlands Revolt which embraced toleration, popular sovereignty, and federalism. Holland, too, was the center of Arminianism, which propounded the idea of religious freedom that had perhaps first been formulated by Castellio, and combined it with the essential doctrine of Arminius that man was not purely evil and predestined, but was partially good and possessed some degree of freedom of the will. Despite attacks by government on these doctrines and the growth of centralized reaction, the popular temper on the whole prevailed and the government remained even in its less liberal period more generous than most of the other powers of the time.

Althusius: Corporate Federalism and Consent

It was, however, a North German rather than a Dutchman who was the great democratic and federalist philosopher of the day. This was Johannes Althusius (1557-1638), whose *Politica Methodice Digesta atque Exemplis Sacris et Profanis Illustrata* (1604), *Systematic Politics, Confirmed by Examples from Sacred and Profane History*, was extremely influential on subsequent thought, though much of his reputation is due to the happy accident that he was the subject of a masterpiece, first published towards the end of the last century, by the great German legal scholar, Otto von Gierke. Althusius was a Calvinist who was trained in law and philosophy at Basle and then became professor at Herborn in Nassau, a post he held until 1604. The reason for his writing was his desire to produce a theory of politics in line with Calvinism, though his method was to develop the teachings of Aristotle by the use of Old Testament illustrations and ideas. It is not impossible, however, that his philosophy represented the position of the craft guilds and the town governments, then in process of democratization, in their struggles with the princes, a development closely analogous to the struggle between the city merchants and the centralizing stadtholder in Holland.

Althusius is essentially an individualist. He recognizes, however, that the individual is not an independent entity, but

one dependent for his effectiveness and fulfillment on groups. All human life is, indeed, a life of associations, which gain their very justification by their utility in promoting useful and happy lives for their members. For Althusius the group holds the place that was taken by the city-state in Aristotle's philosophy. He insists, however, that all species of associational life are based on contract between members. Thus the association is justified by its purpose, but rests on the consent of its members, who are those with common purposes.

Since all groups arise from contract, then contract must be the origin of the state itself. What are the contents of the contract by which the state comes into being? It embodies, first, all of the rules by which society is to be conducted, that is, the essential constitutional principles of government; while, secondly, it lays down the relations of command and obedience for the administration of those rules.

In other words, the state is a contract setting up a government to administer justice according to agreed principles. But who are the parties to the contract? Althusius makes them, not individuals, but groups, associations who have rights anterior to the state. Men do not live in individual isolation, but in social groupings, organically integrated, and the state is made up of these groupings, which have their own way of life. The state is, that is to say, essentially federal and not unitary. It is not a super-authority, swallowing up the prior groups, which lose their identity in it. Nevertheless the state, of which the church is part, has full rights and is possessed of sovereignty. But sovereignty, again, is not arbitrary power, but the power to do what is good for the welfare of the members of the state. This power resides in the collective people as a whole and is expressed through corporations, not individuals. That is, intermediate between state and individual is the group, which gives meaning and direction to the individual and protects him against tyranny. The kings and magistrates are simply executives for the collective people and may be resisted, when they exceed their powers, by the Ephors, who are officers of the groups constituting the state. The individual alone may resist only passively and defend himself. He cannot attack the tyrannical ruler.

Because the state is made up simply of groups with prior rights, it cannot claim authority to rule those groups against their will. The contract, that is to say, may be denounced by them, and they have a right to secede if it fails to carry out their purposes. On the other hand, the people cannot surrender their sovereignty, because it is by nature indivisible. The federalism Althusius defended was not like American federalism, under which equal states have reserved rights. Rather the different groups, while they always retained the right to withdraw, were organized in a hierarchy with power according to scope and function, and with the central executive at the top to carry out the sovereign commands of the totality—an arrangement in some respects suggestive of the constitutional structure of the Soviet Union today, but with more effective protection against tyranny from the top.

Nevertheless, this was perhaps a theory of confederation rather than of federalism, though it is the essential philosophy expressed by the South in the years preceding the Civil War, and has, in particular, much in common with the doctrines of Calhoun.¹ The group had inalienable rights and individual interests, and the state was but its servant. There was only one form of state, with the government naturally mixed.

This whole theory was not only suited to the conditions of North Germany, but applied even more clearly to the actual federalism of Holland, with its independent cities and its stadholder as an elected executive. The theory was important as offering a basis for democratic government, while creating a protection against the potential tyranny implicit in the doctrine of majority sovereignty against minorities. It proclaimed not only freedom from kingly tyranny, but also the rights of groups against the whole, while at the same time avoiding the dangers of anarchic individualism. Modern pluralist theories, with their attacks on the Austinian theory of sovereignty, are foreshadowed by Althusius's work.²

¹ In his *Disquisition on Government* Calhoun defended the right of secession and argued the need for sectional consent to laws.

² Men like Duguit, Krabbe, Laski, and G. D. H. Cole have in various ways condemned the idea of sovereignty and have denied that law is simply a command, while the last two at least have insisted on the federal nature of political authority—though their federalism is functional rather than purely geographical.

*International Anarchy and the Desire
to Limit Its Evils*

Even more significant than the question of the source of authority within the state was, however, the question of the relation of states in Europe. As we have suggested, the whole continent was in a perpetual anarchy through the everlasting wars of its intriguing rulers, who conceived of greatness as synonymous with extent of territory and used war as a supplement or alternative to the policy of dynastic alliances. Disgust at this situation led to the development of doctrines, not for securing perpetual peace, though Sully's *Grand Design* belongs to the period, but for limiting the evils of war and laying down conditions for its gentlemanly conduct. It was at this time, too, that practices of international relations were thoroughly developed and formalized, though the rights of embassy had been established in Italy as early as 1450.

The basic principles on which international relations and international law were founded were not, of course, new. They came largely from the Roman law as developed and codified by the empire. At a later date Roman law jurists such as Bartolus of Sassoferrato had worked out their application to the conditions and problems of Christendom. As we have previously shown, however, it was Jesuits such as Suarez and Ayala and Dominicans like Vitoria who were chiefly responsible for laying the foundations of modern international law. Yet neither the attempt to revive papal authority and to restore political and theological unity nor the desire to reassert the essential ethical principles on which the church and its defenders were supposed to rest was very relevant in the new materialistic and commercial world, while the actual attitude of the Spanish governors towards the natives in the South American colonies was hardly the best advertisement of the likelihood of an application of Christian ethics. What was needed was a system of international law at once more modest and more applicable, a law based on the recognition of the existing realities. To deny the validity of claims to national sovereignty was hardly

effective. It was necessary to devise a scheme that would combine ethical precepts with practical utility.

Gentili: the Rules of War

The first person to tackle the problem in this spirit and to develop the outlines of a system of international law not based on theology was Alberico Gentili (1552-1608). He was an Italian Protestant who fled to England in 1580 and seven years later became Regius Professor of Civil Law at Oxford. He also gained much experience of the workings of such international rules and regulations as existed and of the problems arising out of a growing commerce through his practice in the London Admiralty Court. In 1585 he produced the *De Legationibus*, a work which discussed the position and legal rights of ambassadors and laid down the essential principles and practice of modern diplomacy. His chief work, however, was the *De Jure Belli Libri Tres* (1598), *Three Books Concerning the Law of War*, a title in itself somewhat revealing as to contemporary conditions. Men had, after all, once assumed peace to be the normal condition of mankind and had condemned war as generally wicked, or at most a highly regrettable necessity, to be indulged in only for quite specific and limited purposes. If in the age of chivalry combatants had made laws governing the conduct of battle, there had been no general concern with this problem. Chivalry itself had limited the horrors of war, at least as far as leaders in the battle were concerned, while the rank and file played a less important part than they were subsequently to do. The bow may have presented considerable chance for large-scale slaughter, but it was as nothing when compared with cannon and firearms, which were generally adopted and which attained reasonable efficiency in the sixteenth century. At the same time mercenary armies, without basic loyalties and anxious for plunder, became a menace to the peace and well-being of the civilian; while civilians themselves were in due course conscripted in national armies. All these factors brought warfare much more into the

regular experience of ordinary men than had previously been the case, while the results both of fighting and of peace settlements were much more serious.

It was these changed conditions that explained Gentili's development of the law of war rather than of peace, though it is to be noted that he was not the first to turn his attention to this problem. In 1582 Baltasar Ayala published his *De Jure et Officiis Bellicis et Disciplina Militari*. The latter had argued that war may under certain conditions be just. Gentili insisted that there was a law of war founded on right reason and consent, and the greater part of his work is therefore devoted to an analysis of the rules that ought to govern the conduct of war. At the same time he advances some general reflections on peace and on the desirability of preventing war. He advocates for Europe an international government with decisions made by the majority of states. Then, however, as now, the few strong powers were unwilling to submit their disputes to the many who were weak, preferring to rely on the force at their command rather than acknowledge any superior.

Moreover, while Gentili claimed that natural reason was plain in itself, would give a guide to international conduct, and would provide a just basis for decisions, it was quite obvious that no such natural reason was to be discovered. The prejudices and interests of various powers caused the complete submergence of any reason. Gentili, indeed, had to recognize this; and while he urged that sovereign states should try to settle their disputes by agreement, he was compelled to admit that this might not always be possible and that the alternative was the use of armed force. Unfortunately, the search for prestige combined with the desire for more tangible power to make the possibilities of agreement, when disputes had arisen, but slight. Gentili did, however, argue that no war should be fought for religion, since no sovereign's interest could reasonably lead him into such a course. He applied the Politique doctrine to international affairs. Save, however, for a rare zealot, monarchs did not fight exclusively for religion, but used the latter largely as a cloak to cover their less noble purposes.

Finally, Gentili pointed out that by nature all men are kin.

Hence war was unnatural, and therefore bad. This is interesting in that it involves a recognition that the ordinary man has interests of his own and that these should not be sacrificed to the personal ambition of monarchs.

Grotius: His Life, Travels, and Works

It was, nevertheless, Hugo Grotius (Huigh de Groot, 1583-1645) who first submitted these problems to a thorough-going analysis and made international law a matter of general interest. Born in Holland, Grotius had a very thorough education and proved himself a youthful genius with a great love for the classics and a considerable capacity for writing Latin verse and prose. He entered the University of Leyden when only eleven years of age. When he was fifteen he visited the French Court at Angers and the University of Orleans. A year later he was a practicing lawyer at The Hague. But it was in 1613 that his public life began, for he then entered politics at the instigation of the Lord Advocate of Holland, John of Oldenbarneveltdt. The latter was a friend of the Arminians, who were then falling into disgrace, and when in 1618 Maurice of Orange carried out his *coup d'état*, both Grotius and John were condemned, the latter to death, the former to imprisonment for life in the Fortress of Loewenstein. Grotius made a dramatic escape therefrom and arrived in Paris in 1621. There he lived in poverty. It was during this period that he finished the composition of the work on which his fame chiefly rests. In 1631 he ventured to return secretly to Holland but was forced to flee again, arriving in Hamburg in 1632. Later, from 1635 to 1645, he was the Swedish Ambassador at Paris; though his main devotion during these latter years was to the formulation of a plan to reunite Christendom. It may further be added that, apart from his work on international law, Grotius made serious contributions as a classical scholar, while he also wrote a history of Holland.

It is, however, the *De Jure Belli et Pacis* (1625, revised edition 1631), *Concerning the Law of War and Peace*, for which he is universally known. Once more it may be noted that

war takes precedence over peace, although it was Grotius's merit to insist that peace was the normal condition of mankind and that war was not an end in itself. While Grotius's own life was often unpleasant and poverty-stricken, he did not write the work because of disgust at economic conditions. His country was intensely prosperous, and he shared with his contemporaries their optimism about the economic future. It was, rather, essentially a humanitarian impulse that turned Grotius's attention to the problem, for originally his idea had been to make a complete survey of the law of nature, a project later carried out by Samuel Pufendorf (1632-1694), a precursor of the Age of Reason, whose ideas were to provide useful ammunition to defenders of the Colonial cause in the years preceding the American Revolution.

Grotius, traveling in Europe and living in contact with the political affairs of his time, was deeply horrified by the total lawlessness of warfare. He felt that wars were made for trivial reasons, or for no reasons at all, and that once they were made men ceased to pay any attention even to the most basic and simple rules of morality. His impression was that men everywhere were preoccupied with war and lived in fear, and that Europe consisted of nothing but greedy monarchs and armed camps. He saw, too, that the churches were powerless to restrain the horrors of war, and he felt that the hope of permanent peace was illusory. He therefore set out to discover a philosophy that would provide a standard for the conduct of war in terms of social and earthly objectives.

Grotius' success, however, was not due simply or even primarily to his humanitarianism. The European world was suffering from no lack of lofty moral flights expressed in philosophical language. What was lacking was a sensible and undogmatic statement of relevant principles and a suggestion of practical criteria for making distinctions and establishing rules. While Grotius's Protestantism may have aided in the acceptance of his ideas as against those of the Catholic writers on the subject, it was rather his eclecticism and basic common sense that gained for his views such widespread consideration. Moreover, it is necessary to remember that, whereas the Cath-



Hugo Grotius

olic writers had approached the problem primarily as moral philosophers, Grotius looked at the matter as a lawyer and one with experience in statesmanship. Like his precursors, indeed, he used Biblical quotations and was particularly given to references to the Old Testament, but he treated international law, not as an indirect product of the divinity, but as the most significant branch of human jurisprudence. Moreover, while his doctrine rested largely on the concept of natural law current at the time, his use of that concept was essentially secular. Natural law for him, as for the later philosophers of the seventeenth and eighteenth centuries, was a solvent, an expression of rational scepticism.

*The Law of Nature and of Nations
and the Sovereign State*

It is with the law of nature, indeed, that the work opens, since Grotius's object is to discover what is right, and the law of nature, being the product of human reason, necessarily embodies standards of rightness. Here at the very beginning, it is to be noted, Grotius shows his reliance on the individual, since he feels that the human mind is capable unaided of discovering the basic principles of right behavior. That stress on individualism is, nevertheless, not anarchical or particularistic, since its object is to find universal laws. Natural law, Grotius insists, is not the result of legislation, human or divine. It is rational and consists of first principles. Hence it is also immutable and universal. Nevertheless, this is only true of pure natural law. There are also rules that are no less natural in the sense that they are the dictates of sound reason under peculiar and special conditions. Yet these principles are derived from the general natural law and are not arbitrary or without foundation in principle.

The law of nature has to be applied to the life of states both internally and among one another. Granted a world of states, international institutions are a reasonable consequence of their existence as promoting harmony between them. For the abstractly natural condition of the world is the ideal unity

with which the diversity of states conflicts. It is desirable to approach that unity as far as possible. Yet individual states also have natural rights based on their own purposes, and these they must necessarily protect. The state is a subdivision of the universe for the promotion of a rational well-being in its own area. When that well-being is threatened by another, the state must defend itself, that is, it must protect with force its natural rights. But in deciding whether to use force it should calculate carefully the alternatives and should resort to arms only when the gain outweighs the loss. The state must indulge in a kind of hedonistic calculus to determine its international policy. Yet, if the state may selfishly pursue its own well-being, natural law remains as a measure of what may rightly be demanded by one state of others, and a true hedonism involves a recognition of ultimate interdependence.

What is the state from the point of view of international relations? Who conducts its foreign policy? Who decides questions of peace and war? Granted that the aforementioned decisions have to be made, it is clear that one must have a specific authority to whom to turn, and the need for the definite location of responsibility is obvious. Grotius answers these questions in terms of a theory of the state by which he reconciles the theory of the social contract, then becoming popular, with the doctrine of princely sovereignty, which corresponded with the actual practice of the new national states. He makes a clear distinction between society and state, holding that the former is a natural organization, while the latter is artificial, created by a compact. While Grotius' state of nature is a reasonable one, and therefore differs greatly from that of Hobbes, the contract itself is essentially Hobbesian. It sets up an absolute sovereign who becomes the sole representative of his people. The latter by an act of will give up their rights for the sake of order and unity. Grotius does not make the mistake of insisting on any actual historical compact: sovereignty, complete power in the hands of the prince, is possessed on the basis either of custom or of law.

Even if the prince has taken an oath to respect the rights of his people, he yet remains unbound, with the sole power of

decision. This is necessary from the international viewpoint, since were the people to be able to claim that the prince in his international policy was going against their rights, he would not be able to protect the nation from external enemies, nor interpret its interest unhampered. Grotius does not believe that a popular control of foreign policy is desirable, and, while he deploras war, he is not prepared to use the people's possible dislike thereof as a check on dynastic adventures. The king ought to consider the well-being of his people and to remember the superior value of peace; but if he does not do so, there is apparently no redress. Yet a brief glance at the history of the time, with its Thirty Years' War, which continued, if it did not start, as a result of personal and family ambitions, should have shown that kings were not to be trusted; while in the subsequent centuries peoples were ruthlessly sacrificed to the ambitions of monarchs who put international power before internal prosperity. This situation was particularly obvious in the case of France, where a series of wars brought about that internal economic ruin which was one of the basic causes of the later revolution.

From the doctrine of sovereignty, Grotius arrives at the theory of the juristic equality of states in the international sphere. Since international affairs are in the hands of princes who are all equally absolute, nations are necessarily equal vis-à-vis one another. Absolute power is by nature uncontrolled, and juristically there can be no inequality between those who have precisely similar legal rights. Thus Grotius develops that theory of the legal equality of states which has become a basic doctrine of subsequent international law. Unfortunately, however, states are not factually equal: the most obvious fact in international relations, then as now, was the dissimilarity in power, both military and economic, between the different nation-states of the world. Juristic equality might form a suitable basis for the courtesies of diplomacy, though it also gave rise to numerous disputes over precedence and protocol which at times embittered international relations by quite unnecessarily raising issues based on concepts of formal prestige rather than on real interests. It could not aid, and might well hin-

der, the attempt to adjust international relations in the interests of lasting peace. States, however nominally equal in terms of law, were quite unwilling to accept equality in any other respect, and, lacking any sensible rules to guide their intercourse based on an acceptance of the existing power situation, were left to rely on naked force.

It may be interesting to note that the structure of the League of Nations was largely designed to overcome this difficulty through the recognition of legal equality in the Assembly and of the claims of great powers in the Council. The history of disputes since its foundation and its lack of success in dealing with major issues where inequality of power has been involved suggest that an adequate solution of this problem has not yet been found, while it reveals clearly the magnitude of the difficulties involved in attempting a solution.

While Grotius endeavored to find some legal foundation for the intercourse of states, he did not even discuss the possibilities of a genuine international or supernational authority. Rather, by accepting sovereignty as the basis of international intercourse, he strengthened the hand of those very forces that made for international anarchy. He did indeed argue that sovereignty should be limited for purposes of international relations, but the limitations he proposed were to arise from the voluntary recognition of human interdependence and from a rational conviction that peace was the normal end and condition of existence for nations, as for individuals.

He admitted fully that self-interest, being too often shortsighted, was not an adequate basis for the life of states: it had to be checked and controlled by reason, which would reveal when self-interest was not genuinely self-interest. He had a conviction, that is to say, that the well-being of a nation was not independent, that in the long run one nation could not thrive when others were suffering or discontented. Further, he felt that the self-interest of rulers had to be subjected to the ends of the compact. Even though their sovereignty might be absolute, they had no right, as responsible stewards of their office, to forget the purposes for which they were created or to destroy their peoples by incessant warfare.

Nevertheless Grotius saw clearly that the principles of natural reason and natural law were abstract and general. Lacking specific content, they could not be applied directly to the actual issues arising between states. They did not in themselves constitute a body of law relevant to the situation of peoples as they were. He had the sense to recognize that men may agree on what is abstractly desirable, but that differences arise when it comes to the application of their principles. There was, then, the need for some code which, on the one hand, would not depart too far from the principles of abstract justice nor admit the validity of the evil practices of European rulers at the time, but would not, on the other, forgetting reality, become useless through its very perfectionism. Accordingly, he developed the doctrine of the *ius gentium*, the law of nations, distinct from *ius naturale*, the law of nature, yet founded on it.

The *ius gentium* was law governing the relations of states. It was drawn from the common practices of men universally and embodied their common recognition of rational and ethical principle; Grotius did not, therefore, accept the existing situation as it was, but rather selected the best elements of general practice, which embodied the degree of achievement attained by aspiring, but painfully imperfect, creatures. He returned to certain of the Roman lawyers, who had long before developed this same distinction between natural law and the law of peoples out of their own recognition of the difficulties of applying the Stoic philosophy directly to the affairs of a vast empire with its widely differing inhabitants. He took their theory and restated it in such a way as to make it applicable, not to a world in which there was ultimate unity based on a single authority, but to the Europe he knew, in which, through the growing particularism of national states, the recognition of common interests and similar needs and desires was being forgotten. The common practices of mankind were to be made into a systematic code that should be a public law of Europe and that should govern the relations of states, thus constituting a real check on the irresponsible behavior of national monarchs.

This whole position was essentially eclectic, and it was largely for this reason that it achieved so much popularity. Both before and after Grotius, writers on international law, as on jurisprudence generally, may be divided into naturalists, positivists, and eclectics. The first have made law essentially the embodiment of universal principle, without emphasis on its legislative element. The positivists have insisted that law is the formally expressed will of the legislator and nothing more. In the international sphere they have accordingly denied that there is any law, save where a will making it and a power sanctioning it can be discovered. Grotius refused to accept either of these positions. He admitted that international law derived directly or indirectly from the law of nature, the dictates of reason. Either it consisted of the principles of justice, which even the Almighty could not change, principles directly revealed to man as a rational creature, or, in the form of the *ius gentium*, it was the recognized practices developed by those trained in law among all, or most, nations. But this latter statement at least implied that international law was actual positive law, while, as Grotius pointed out, treaty provisions and other international agreements rather clearly proceeded from the wills of sovereigns. These latter were binding in the special circumstances for which they were made, even when they conflicted with the normal dictates of pure natural law. Thus belligerents might have a legal right in terms of the necessity of their operations to do acts forbidden in ordinary times. On the other hand, Grotius had argued that not simply superiors but subjects might enforce the obvious dictates of morality against evil-doers, since they gained a right to do so by the moral superiority of their position.

While Grotius failed to make a clear distinction between the *ius naturale* and the *ius gentium*, and while he similarly failed to show precisely in what respects international law was the product of universal rules and where it was the product essentially of legislation, he did use both concepts in the development of his theory. Indeed, he so wove them together that it became almost impossible subsequently to divorce them,

just as at an earlier date Aquinas had effectively shown the normative and voluntary elements in civil law.

Grotius thus strengthened the foundation for present-day international law. Yet since his time there has been an unending dispute as to whether this is law at all or simply a morality sometimes observed, but not infrequently honored in the breach. Certainly there was no definite authority that might enforce the law with sanctions or punish breaches thereof; and the individual sovereign was left to make his decisions in terms of relative strength, of the convenience of having and observing a known law, and, to some degree, of the practical dangers of offending world opinion, dangers until recently relatively slight. Once more we may note that the League of Nations was constituted very largely to remedy this defect by making it possible to organize public opinion against one who arbitrarily ignored the principles of international law and morality, and in the last analysis by bringing pressure to bear on such an offender through the threat, and even the use, of sanctions. How far such methods have been successful may be partly judged by considering the recent disputes between Japan and China, and between Italy and Ethiopia.

Popular Welfare and the Limiting of Destruction

Grotius held that the object of international law, of the *ius gentium*, was the welfare of peoples. Peoples were, indeed, organized in separate nations, but for their genuine well-being all must be well off. When one gained at the expense of another, the resultant disharmonies led to new struggles, from which all ultimately suffered. The law must therefore be based on custom, supplemented by the consent, voluntarily given, of the nations subject to it, while it must also be embodied in the civil law of each nation. Indeed the civil laws of the different nations themselves embodied common principles which should become part of international law. Though modern nations have through their courts generally applied rules of international law in relevant cases, provided they did not conflict basically with their own fundamental

law, it is only recently that any recognition has been given to the importance of making international law part of the very substance of national constitutions, if the former is to be made effective. The ill-fated constitution of the German Republic contained such a provision, while the recent Spanish Constitution provided sanctions should the government act contrary to the country's obligations as a member of the League.

Two things are worthy of note in Grotius's analysis. First of all, though he remained aloof from the body of democratic ideas that was being slowly developed in his time, he nevertheless accepted the concept of authority as trusteeship that had come down from the medieval world. Power to him was a trust to be exercised to promote the general well-being. Unfortunately, just as he failed to provide sanctions for breaches of international law, so he omitted any suggestions as to what the people of a nation might do should the power of the sovereign be abused.

Secondly, while he was essentially protesting not only against unnecessary warfare but against *vae victis* peaces, he failed to allow for the overwhelming force of immediate greed and hate, qualities stimulated in the course of warfare, which in itself he considered justified under certain conditions. The truth of his doctrine of interdependence has been nowhere better illustrated than in the Treaty of Versailles. We who live to-day must still pay the price thereof and have become bitterly aware that victory is scarcely less costly than defeat when such a peace is imposed. Yet we also realize that the injustice of such peaces and the common economic miseries resulting therefrom, instead of making it certain that no future wars will be fought, simply increase the chances of further struggles, undertaken in a vain endeavor to redress an unjust balance and to escape the sufferings of poverty. However, granted the adequacy of this particular interpretation of the costs of war in our own day, we must never forget that in Grotius's time a different situation prevailed. In the colonial sphere particularly the results of warfare might for a considerable time be great profits for the victor. If defeat in imperial adventure ruined France, victory undoubtedly proved profitable

to England, whatever ultimate problems it might create for later generations to deal with.

The ultimate and most significant fact about Grotius's attitude is, of course, that he was not concerned completely to outlaw war, far less to discover institutional arrangements by which this desirable end might be attained. Subsequent centuries were to see a whole host of protests against war, of rational indictments of it, and even of idealistic plans for its prevention. Perhaps the complete lack of success of such schemes, at any rate until quite recent times, may be a demonstration of Grotius's wisdom rather than the contrary. He may well have realized the futility of urging men never to fight, while he seemingly also had a conviction that war itself was not always wrong and might at times be a necessary evil. What he was concerned to do was to limit the justifications for war, or at least to insist that war must have a justification, and to control the savagery with which war was, and to a considerable extent still is, fought. His influence was largely responsible for the acceptance of that distinction between just and unjust wars, which has continued into our own day, a distinction probably developed in the beginning by St. Augustine. He seemingly under-estimated the possibilities of propaganda, of self-delusion, and of self-justification. He insisted, to begin with, that the supreme power in a state alone might begin a war. This was intended to locate responsibility and to prevent the conducting by unauthorized persons of what one might perhaps call informal war. Yet the solution has not proved entirely satisfactory. First of all, border incidents have a habit of occurring and precipitating armed conflict without the immediate knowledge of the responsible authorities, who find themselves later driven by such incidents into formal declarations of war despite the initial lack of a positive will thereto. It may here be remarked that the League has on one or two occasions effectively prevented such undesired developments.

Secondly, however, there has developed out of this concept the legal problem as to whether a war can exist without the declaration thereof, and the distinction between war and the state of war. Recent experience suggests that what is, from the point

of view of the common man, essentially war may be waged without possibility of adequate steps being taken under such international law as there may be, owing to lack of legal recognition that there is a war. It should, however, be remembered that, as in the recent Sino-Japanese affair, both parties may find it convenient not to have war declared. Sovereignty not only allows states to declare war: it also permits their fighting without declaring it.

Grotius defined a legitimate war as one to suppress evil as measured by the *ius gentium*. Yet, while that international law might be more definite than the natural law of reason from which it ultimately sprang, it still remained true that it was susceptible of diverse interpretations and that, failing an impartial and accepted authority above the various sovereigns, the road was left wide open for declarations of war in terms of the individual judgment and desire of the latter. Arbitration, indeed, might be possible; but, since the parties to the dispute were sovereign, there was no guarantee of a willingness to arbitrate or to accept the decisions of arbitrators.

Grotius realized that the desire to acquire, and the need to protect, territory and economic wealth were basic causes of wars. Under the doctrine of sovereignty, territory was the personal property of the monarch, though held in trust for the well-being of the nation. It was his duty to protect such property: a natural right pertaining to him and, through him, to his people. Grotius accordingly argued that a just war might be fought when such property was attacked. One might, that is to say, repel invasion by another. Yet he denied that a potential danger to one's property was a legitimate cause of war: he realized full well that this would justify almost any aggression, granted timidity, suspicion, and greed on the part of rulers.

This distinction has, however, proved no more foolproof than others he made, and the international lawyers have disputed endlessly, and on the whole fruitlessly, as to the definition of an aggressor. The real difficulty has perhaps been this, that nations, growing in strength, population, and resources at unequal rates of speed, feel that to wait for an actual

attack may be to incur certain defeat. It is therefore necessary to strike before one's chances disappear. The growth of the balance of power concept, by which the states of Europe endeavored to limit or to prevent the acknowledged evil of war by arranging themselves in two opposed groups with supposedly equal strength, has only added to this difficulty. In the rapidly changing conditions of a dynamic Europe the existing alliances have rarely prevailed for long: while, even if they were to do so, changes in wealth or in population on one side or the other would soon disturb the balance. Before the last war Germany felt itself increasingly hedged in and was suffering from an almost neurotic fear that it would be the victim of a coalition of enemies. Passively to await such a fate is not a course that appeals either to statesmen or to their peoples.

Grotius devoted a considerable part of his work to a discussion of the actual waging of war. Here once more his basic principle appeals to common sense. He pointed out that, granted that war was intended to resist injustice, to punish breaches of the *ius gentium*, its end was clearly to reaffirm that law and to restore the rightful condition that had preceded it. War was, that is to say, not an end itself, but a means, and the normal condition of human existence was one of amicable peace. Peoples were interdependent. Therefore, when they fought a war, their aim was to get back as soon as possible to a peace-time condition that would be just to all and would restore coöperation for mutual well-being. Consequently, it was foolish and short-sighted so to fight as to create lasting hatreds or to destroy valuable resources, to the impoverishment either of oneself or of those with whom one might subsequently trade.

Grotius, it is to be remembered, belonged to Protestant North Europe, which was becoming increasingly commercial and was inaugurating the reign of mercantile capitalism. In this analysis he conveniently combined humanitarian sentiment and practical economics. Unfortunately he once again forgot the power of emotions and the speeding avalanche of hate that war creates in its course, particularly among the civilian population itself. Further, he failed to realize that war in

the future would become more and more a propaganda problem, with the spirit of those at home scarcely less important than the morale of the troops. Moreover, once a nation is committed to war the desire for success becomes the dominant consideration. Hence it is almost impossible to get the fighting powers to agree not to ravage and destroy and not to use certain militarily effective weapons, or to observe past agreements to that effect made during the calmer days of peace. Indeed, during the course of war itself the original objectives and moral ideals propounded by statesmen to justify its declaration are too readily forgotten, and, whether through the fault of those statesmen or because they have unleashed a beast they are subsequently unable to control, crushing victory and thorough revenge become the sole objectives. The history of the World War constitutes an illuminating illustration of this thesis.

Notwithstanding, it is but fair to conclude that Grotius did try to deal practically with the situation he knew and to limit the anarchic tendencies of a disintegrating Europe. To expect him to have foreseen the final results of science, industrialism, and capitalism is to expect too much. He did at least provide some basis for organized international intercourse. If the provision was far from adequate, it nevertheless gave a partially workable theory of international law and laid a foundation for later developments. Though Grotius was neither radical nor revolutionary, accepting a little too willingly the necessity of the governmental scheme of his time, he was a genuinely humane scholar who was not blind to the immediate forces of his day or to the miseries brought upon the head of the common man by the ambitions of the great.

Bibliographical Note

Lecture VII in Figgis's *From Gerson to Grotius* contains significant material on the topics here treated, while Ch. V of Dunning's *Political Theories: From Luther to Montesquieu* gives, as usual, a straightforward account. On Althusius, the introduction by C. J. Friedrich to his edition and translation of the *Politica Methodice Digesta* is a thorough and scholarly account which, however, makes

its subject perhaps unduly important. A useful discussion of Gentili's work is to be found in T. A. Walker, *History of International Law*, Vol. I, which also analyses other precursors of Grotius. In Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries* there is a brief article on Grotius by the editor, which is useful as a summary. A more lengthy discussion is given in A. D. White's *Seven Great Statesmen*, while for the more advanced student W. S. M. Knight's *Life and Works of Hugo Grotius* may be recommended.

CHAPTER XVII

English Thought Under the Tudors and Stuarts: Conflicts Concerning Power, Property, and Religion

WHILE it is only in the seventeenth century that the English contribution to political thought becomes of first-rate importance, it would be erroneous to suppose that there was no such thought before this time. In the medieval period England's greatest political thinker was indeed John of Salisbury, whose thought was a part of the general system of Christian ideas dominant at the time. In a similar way William of Occam, almost two centuries later, was to give significant expression to those same ideas, though now the hierarchy itself was the subject of criticism. Immediately after his time, Wyclif was to emphasize the importance of the people and to anticipate the ideas of the Protestant Reformation.

Medieval Theory with a Legal and National Emphasis: Fortescue

Apart from clerics, the main political thought developed in England emerged incidentally from the work of legal philosophers, of whom Glanvil and Bracton (at the end of the twelfth and the middle of the thirteenth centuries, respectively) were simply the first and the best-known. These men, in expounding the principles of the Common Law, were concerned with insisting that the king was not absolute, though unrestrained by any individual: the laws of England were identified with fundamental law. Later, indeed, Sir John Fortescue (1394-1476) was to go beyond law and suggest certain principles that

underlay the government of England. But in doing this he was rather performing the function of an English public lawyer than developing a coherent political philosophy of universal applicability. Fortescue was, indeed, an exponent of Aquinas's philosophy, but it was his view of the nature of the English political system that gave him importance. For he insisted that there was a law of the land, interpreted by the courts without reference to the king's will, and that the king governed only by the consent of the Estates of the Realm. Thus he gave currency to those ideas, including the principle of no taxation without representation, that were to play so important a part in the later struggle against the Stuarts.

That this legal and national emphasis should have been the dominant mode of thought is intelligible when we remember at how early a date England became a unified nation and the king imposed his law and justice throughout the whole realm. At the same time he was challenged by a feudal nobility insisting on its rights, if more prepared than its continental counterpart to accept and submit to the royal suzerainty. This is evidenced in Magna Charta. Parliament itself was established early and soon gained considerable power. If at first it was an organ of mere consent and a convenience for the king, it soon became a positive vehicle for criticism. Through it the burghers of towns and the lesser gentry acquired a quite unusual influence, an influence not unconnected with the wealth that England gained through the wool trade. England was not a country dominated exclusively by a privileged aristocracy or feudal nobility.

Down until Tudor times most discussion was, therefore, concerned with the constitutional and legal position of the different parts of government; and during those discussions there emerged both the idea that power is a trust and the insistence on the rightness of majority rule. At the same time England was Catholic, and not a little attention was given to the relations of temporal and spiritual power, with numbers of apologists defending the supremacy of the king's courts and the control of English property by England. That England was somewhat advanced in its governmental forms led also to a consid-

erable development of legal thought, a development unusual not simply in terms of its extent but because England remained singularly free from Roman legal ideas. This apart, there was little thought on governmental topics that could be called peculiarly English: English thinkers reflected, and helped to develop, the common ideas of Christendom and belonged to that great body of scholastics whose ideal was universal, not parochial.

With the coming of the Tudors and the destruction of the political force of feudalism in the Wars of the Roses we get a somewhat different situation. For the Tudors dominated an aggressive England in an age of expansion. They used their power to encroach upon the previously established rights of parliament and gradually to set up a regime of absolutism. Nevertheless they had the wisdom to follow a popular policy and to identify with themselves not only the nobility, but also the yeomen and trading classes; while in their administration they gave employment to men who might otherwise have been tempted to opposition. They embodied in themselves a growing sense of nationalism; and it was this sense that allowed Henry VIII to carry out a partial reformation which, if arising from his own immediate needs, nevertheless gained the willing support of large portions of the people. With a popular monarchy there was unlikely to be any great volume of critical political theory, while it was unnecessary for the monarch himself or herself to reveal growing absolutism in all its nakedness or to put forth the rationalization of divine right doctrine. Parliament, it is true, was at times critical, but it was only towards the end of Elizabeth's reign that there arose any consistent policy of opposition.

More's Utopia and Tudor England

Sir Thomas More (1478-1535) did indeed attack the system in his celebrated *Utopia* (1516). That work was, however, of relatively little influence, since it advocated equality at a time when opportunity to gain wealth was growing. It might have appealed to a dispossessed peasantry had they been able to

read, though the Elizabethan Poor Law was later to make temporarily bearable, if not to remedy, even their grievances. But a communistic doctrine found relatively little discontent to which it could appeal among the important classes, while it is perhaps well to note that More himself became a servant of absolutism, even though he was finally to repent that step when it was too late. More was, too, essentially an intellectual aristocrat, humanistic and refined, with little in common with an energetic and lusty people in the first flush of national pride. Criticism was desired neither by people nor by king, and *Utopia* had to be published abroad. It remained for long in Latin, untranslated, since there was nowhere at the time where his ideas might be appreciated, far less applied. Yet More remains important because his *Utopia* represents and introduces the political ideas of Plato, whose *Republic* had been re-discovered in the West following the Fall of Constantinople, and was one of the important forces that shaped the Renaissance.

*Hooker: Contract as a Basis for
Royal Absolutism*

One other thinker of this period deserves mention. That distinguished churchman, Richard Hooker (1553-1600), in *The Laws of Ecclesiastical Polity* (1594), advanced the doctrine that civil authority rested on a contractual basis. It was through him that the philosophy of a social compact came directly into the stream of English thought, and he was undoubtedly a great influence on Locke. Yet he himself did not use this doctrine to defend constitutional government. On the contrary, he insisted that the contract, once made, was permanent and could not be denied or undone. Hence the logical conclusion was royal absolutism. Strange though it may seem in view of later developments, his theory was not untrue as a description of the position of the Tudors, especially of Elizabeth: men could quite reasonably maintain that uncontrolled monarchical government, beyond challenge or change, had its source in consent: the monarchy was as popular as it was powerful.

Stuart Folly: a Stimulus to Political Thinking

The coming of the Stuarts altered all this and produced fundamental cleavages among the hitherto united supporters of monarchy, from which there sprang lively controversies and theories of first-rate importance in intellectual history. If the Tudors had made the English subjects, they had also made them strong nationalists; and the Stuarts, coming from across the border, were already regarded as foreigners, just as were Englishmen in the Highlands until comparatively recent times. Nevertheless, it would have been comparatively simple for the new dynasty to gain the support of the English people, had they themselves, recognizing that they were considered aliens, endeavored to adapt themselves to the customs of the land they had come to govern and to please the important elements in it.

Unfortunately James I was already a king, and in Scotland as James VI he had been irked by Presbyterianism, if he had at the same time gained from it a keen but narrow Calvinist logic. He was learned and subtle in debate, but he lacked subtlety and adaptability of personality. He was not accommodating or yielding, and could not brook opposition. The net result was that he alienated large numbers of elements, particularly since his internal policies failed to consider the interests of those who under Elizabeth had enjoyed a pleasant and novel prosperity, while internationally he failed to carry on the swash-buckling tradition or to encourage imperial and economic adventure. Accordingly his attempts at absolutism met with resistance; and doctrines of constitutional limitation, which had not been in abeyance sufficiently long to create the habit of accepting despotism, were revived and developed.

Despite considerable provocation, James I was allowed to die in his bed. His successor, Charles I, was welcomed eagerly: he had a reputation for geniality and for an accommodating disposition. Unfortunately where his father had been inflexible, he was unprincipled. Full of kind words and fine promises, he was extravagant and totally unreliable. He did not succeed in the pursuit of expansionist objectives, while his

preference for the society of court and nobles and his attempt to undo the work of the Reformation by high church practices were singularly unfortunate. For at that very time leveling doctrines were abroad, and the force of Puritan dissent was making itself felt. As a result of his character and his policies, Charles I lost his head.

Yet England still loved monarchs and did not welcome too eagerly the gloom of an exaggerated Puritanism, though after the Civil War the majority of men were prepared to pay a considerable price for peace. Cromwell himself was a strong man, who, starting as a moderate in his political and social ideas, unfortunately adopted the habits and techniques of an autocrat when opportunity offered, and treated such of his old colleagues as remained loyal to their once common convictions with something less than respect. On his death there was no one to fill his shoes, and the attempt to restore a genuinely republican commonwealth to a people trained in submission failed, the more rapidly because no leader with convictions and color was available. As a result, the Stuarts were recalled. Their return introduced a somewhat excessive *joie de vivre*, which shocked the Puritan element, even if it was not displeasing to the masses. Charles II, having been a wanderer for many years, was anxious not to wander again and governed for a time with reasonable circumspection, if not complete success. Yet he desired revenge on his enemies, and in due course discovered that the English people were not unwilling to bow before a master. In a sense it was the regime of Cromwell, rather than an earlier limited monarchy, that was restored, with more arbitrariness and without the saving grace of Cromwell's stern moral principle. James II, who succeeded Charles, had an exaggerated view of his powers and had read the history of the immediate past with as little success as Charles X of France at a later date. Above all, however, he had become a Catholic in 1672, and, although an attempt by the Commons to exclude him from the succession had been defeated by the Lords, England did not look forward to continuous rule by a Catholic dynasty. If England was prepared to accept a strong ruler, it was not willing either to embrace

Catholicism or to tolerate an unsuccessful and costly foreign policy. James's errors in policy and in belief combined to make his position untenable; and when William of Orange came to England by invitation, James II fled. With him the house of Stuart came to its end, save for the survival of delusive hope.

What, apart from nationalism, which was a feeling rather than a philosophy, were the main theories developed in the course of this long struggle? The main doctrine advanced against the Stuart claims was constitutionalism. This had two sides, coming from two quite distinct groups. On the one hand was the theory of the independence of parliament, of its right alone to make laws, and above all of its control of the purse. Behind parliament stood the landed gentry and the trading class, anxious for the security of their property. It was in and through parliament, too, that the doctrine of the rights of the people was expressed, and from the struggle between parliament and king there finally emerged the organization of England as a limited monarchy. These ideas began with the accession of James I and were continued through all the parliamentary debates of the succeeding period, though they received their most perfect and final exposition outside parliament, in the work of John Locke.

Coke's Theory of a Constitution

The second cause was that of certain of the judges, among whom the most distinguished was Sir Edward Coke. In a sense they were defending their vested interest, even though they were also insisting on the governmentally important doctrine of judicial independence. They objected, not so much to the creation by the king of special courts, of which Star Chamber was simply the most infamous, as to the king's assumption that he had the right to remove cases entirely from the courts and try them himself. Coke, indeed, himself sat in Star Chamber, and praised it highly. They appealed, not to parliamentary tradition, but to the history of the Common Law, which they saw as the embodiment of natural rights, with

judges as its makers and interpreters. That law, and not parliament, was in their view the palladium of English liberties. For it was through the courts that the defense of the individual against arbitrary arrest and against the deprivation of civil rights, had been established. The history they developed, their interpretation of the early law of the land, was no doubt erroneous and anachronistic. But it served its immediate purpose, if it also led to a false conception of English legal history that was to continue as orthodox theory down to the time of Maitland.

While the opposition to the early, as well as to the later, Stuarts mainly came from these sources, the Puritan revolt introduced new elements, emphasizing not only the rights of conscience, but also the essential equality of man. It was during the Commonwealth that these doctrines found their main expression, though they had germinated in the debates of Cromwell's army even before the Commonwealth was established. They were largely economic doctrines, based on a growing agrarian discontent; but politically they emphasized the idea of popular sovereignty, an idea that was to be important in the growth of English democracy. If parliament and the courts opposed the king in terms of their traditional rights, there was a yet more mighty body from which these in turn sprung, and which it was their duty to defend and respect.

Nevertheless, it would be unwise to imagine that all the political philosophy of the day had its source in opposition to monarchy. Absolutism also had its defenders. Generally they used the doctrine of Divine Right; though they might also, like Bacon, base kingly power on its expediency in terms of national glory or, like the most celebrated of all the defenders of absolutism, Hobbes, use the social contract in the interests of individual sovereignty and for the preservation of order. Indeed, it will perhaps be most profitable to examine the various defenses of absolutism first, before turning to the emergence of democratic theory, although Hobbes's work will be left for a separate chapter. To do so is justifiable because, during the period under review, such defenses came first, though they

continued all through it; and because it was in answer to them that democratic ideas were at the time evolved.

*The Theory of King James I: Divine Right
and the Value of Absolutism*

Among the apologists for kingship without restraint of parliament or court, James I (1566-1625) was far from being the least. He possessed, as we have previously noted, a skillful mind, and he was by no means unlearned. Indeed, the description of him as "the wisest fool in Christendom" was not entirely unwarranted, even if somewhat exaggerated. That he was able in debate to trip up and confound ministers and critics was not the least cause of his unpopularity: men do not like to have their limitations revealed, particularly when, as politicians, they have a reputation to uphold. Exasperation is doubled when the keen critic himself proceeds from narrow and rigid premises, and fails even to comprehend the wider sympathies and vision of those he attacks.

Not only did King James talk: he wrote, and the books he produced were at once well written and well argued, even if they were something less than masterpieces. Chief among them are the *Basilicon Doron* (*The Kingly Gift*) and *The True Law of Free Monarchies* (1598). The titles are revealing, and the books show that James had a conceited conviction of his own thorough qualifications for kingship, as well as a command of the basic arguments for divine right. The former work was written for the guidance of his son, that the latter might not be misled by unorthodox teachings, and aware of the "divinity that doth hedge a king" might in due course insist on a proper observance of the rights with which God had endowed him.

For it is on the divine right argument that James founds his case. This right arises on the one hand from the sanction of Scripture, on the other from the law of nature. God gave kings to the children of Israel, while by nature the father is head of his family and the king is *in loco parentis* to his people.

It is interesting to observe how Biblical authority and the law of nature were thus made to support one another long after the Middle Ages, for purposes quite other than those of the Christian church. It is also important to note that it is in Divine Right theory that natural law becomes, not right reason teaching justice, equity, and universal equality, but the authority actually to be observed in the hands of the early family head. While the reasoning from family to state may have been fallacious, the idea of what was natural in early societies was, historically, sounder than the subsequent natural law theories that supported democracy, as well as than the sophisticated rationalism of Stoic *jusnaturalism* and the emotional benevolence discoverable in certain Christian teachings.

The above arguments were the stock-in-trade of all Divine Right theorists. Yet, alone, they were not adequate for James's purposes. They might show that monarchy was the proper form of government for mankind: they did not justify the claims to rule of a particular king, nor meet the twin arguments for popular consent and deposition, arguments which had, since the Reformation, played a peculiarly important part in political controversy. Hence James had to argue further that kingship was by birth alone, founded solely on legitimate descent. Nor did he so argue simply to meet a possible theoretical objection. The Presbyterians, imbued with the ideas of Knox and the Monarchomachs, held that kings must rule with the consent of magistrates, and might be deposed if they opposed the latter. They had hounded James in Scotland, and in his new kingdom they did not leave him in peace nor voluntarily accept their loss of influence. James's dogmatic assertion, "No bishop, no king," possessed under the existing conditions a considerable element of truth. At the same time the Catholics were a threat to his security. External force had failed with the Armada, but the papacy had not abandoned all hopes of England's return to the fold. On its behalf the Jesuits preached the doctrine that subjects were released from allegiance to an heretical ruler, and even justified tyrannicide, though this last was not approved officially by the church.

James, however, was not content to establish the general principles of absolute monarchy: he stressed the inferences to be made therefrom in terms of existing English conditions and conflicts. First of all, he claimed that parliament was but a tool of the monarchy, at best a convenience for smoothing the monarch's path, and at worst, when it opposed the latter, a useless impediment, a body of debaters hindering government and confusing policy. His position in this respect is singularly similar to that of modern Fascist dictators. Secondly, the people were ignorant, and so incapable either of controlling or of sensibly criticizing governmental policies. Their sole duty was to trust and obey their king, who was the best judge of what was good for them. This is, *mutatis mutandis*, normal conservative doctrine, but with James it was especially intended to undermine the doctrine of popular consent as a condition of legitimate government.

Thirdly, James argues that tyranny, even granted there is a possibility thereof, is far less dangerous than anarchy, which is almost inevitable when divisions in authority and differences in counsel are permitted. Tyranny is at least orderly and insures national safety. This anticipates the position of Hobbes, reinforcing abstract arguments with practical considerations.

Fourthly, James makes an unusual and subtle plea against the view that kingly power has a contractual basis. First of all, he denies that kings have contracted with their people, or that government has its origins in contract. Next, he points out that, even granting that a contract has been made, it would be manifestly unjust that one party alone could denounce it or find the other guilty of breach thereof.

The first of these positions was a fair answer to those who argued that the social contract was the actual historical origin of states. The second was valuable as undermining the position of the majority of contract theorists, who used the contract as a convenient hypothesis. It did not, of course, justify the king in refusing to abide by the limitations he had supposedly accepted, but it took the fight to the enemy's camp by pointing out that they, too, had obligations which they might not perform. Particularly, it revealed the difficulties that arose from

treating the state as at once umpire and partisan tool. James's argument did not meet the real political and economic issues involved, but it did reveal that the contract was a rationalization, and that his own side was capable of maintaining a position at least not less intellectually respectable than that of the opposing group. Indeed, the argument was never directly answered, and still remains as an objection to the contractual hypothesis. It is rarely referred to, because that hypothesis has long since been abandoned, at least overtly, on other grounds which today have greater cogency.

As a conclusion from his theories, James infers that prerogative is supreme and without competitor. All the essential functions of the state are subsumed under it, and by it the king governs alone and unaided, with unchecked power and sole responsibility. The chief prerogatives are those of taxation, dispensation, and the conduct of foreign policy. The imposition of taxes is to be according to the king's will: he does not have to rely on parliament, to be subject to its judgment of his needs. Taxation without representation is no tyranny. Similarly, he may release his officers, and anyone else he chooses, from subjection to the ordinary law and may grant special privileges as he sees fit. He may make war and peace freely, without asking permission of anyone, and may conduct all negotiations and give all orders incidental thereto. Thus he has full control of internal and external affairs. That a newly propertied class, anxious to avail itself of growing opportunities for profit, should have objected to such doctrines is not unintelligible.

*Bacon: Monarchical Government and
Its Proper Policies*

King James I was himself no mean defender of absolutism. Persons of less exalted position, but of far greater intellectual ability, set themselves a similar task. Among these Francis Bacon (1516-1626), that great opponent of Coke, is not the least distinguished. His political, unlike his scientific, reflections are not put forward in a systematic manner. Nor

are they brought together in a work specifically devoted to politics, though Bacon did commence a utopia of his own, *The New Atlantis*, which was never finished, and only appeared posthumously in 1629. His views are, however, contained chiefly in certain of the *Essays*, intermingled with his ideas on manners, morals, and matters yet more remote from our topic. Despite their aphorismic character and the lack of close-knit argument, they present a coherent picture of his viewpoint.

Bacon is essentially a defender of the politics of power, seeing force as the basis of government. He is a realist, and forms a link between Machiavelli and Hobbes. He introduced the ideas of the former into English thought, restating them in a bland and less offensive way, and connecting them with the nationalistic outlook, as it came from the Tudors. Like King James, he desires a centralization of power, and like him he vests that power in the king's prerogative and attacks parliament as a useless impediment.

He insists, further, that justice is the king's justice, thereby emphasizing the historical origin of the English court system, and denies that judges have a claim to independence. They secure justice, indeed, and it is to them rather than to parliament that the people must look for protection. But they work for and under the king; they are "lions under the throne." They are, in fact, little more than a branch of the civil service, with specialized and separate functions.

Bacon felt that it was necessary to establish a civil service in the ordinary meaning of the term. It was to be under the king, who alone should possess executive power. Thus unity of allegiance would be secured, and men would know there was but one individual whom they had to serve, and to whom they might look for promotion. But in this, as in all other branches of his service, the king should appoint and promote men in terms of ability and devoted service, and not on the basis of birth nor through favoritism. The various services, civil and military, should be organized hierarchically; but to the hierarchy access must be easy, that power might rest on a broad base, and lest exclusion promote discontent and opposition. The state is to be a power state, with the king as its sole head.

But it is not to be an unpopular state, and the ruler is not to behave like an arbitrary tyrant. Essentially the rising bourgeois class is to be wedded to the monarchy by provision of opportunity for governmental careers. Thus the throne, attaching itself to a growing power, will be at once popular and strong.

To insure balance and contentment in the state, to have as many groups as possible satisfied, Bacon advocates a careful direction of economic affairs by government. He is a mercantilist, and believes that the mercantile state will be the most prosperous, drawing wealth from the world and selling thereto the products of thriving, low-cost industries. This wealth is not to be concentrated in a few hands: great inequality is a potent cause of faction. Rather, to do the most good it must be widely spread, so that as many as possible profit from its acquisition. Similarly, agricultural and commercial interests within the country must be carefully balanced: such a balance creates stability, and prevents the complaint that the king is favoring one class at the expense of another. Bacon is, however, no egalitarian: he desires a broad-based pyramid whose sides are not too steep for climbing. He fears the effects of a clear dichotomy between a few rich nobles and an impoverished mass.

The king, finally, may assure a strong, united nation and his own popularity by pursuing the policy of prestige in foreign affairs. England is to be made the leading nation by holding the balance of power between continental groups. A safe island, it can do this without difficulty and at little cost. Bacon was aware that the English people had become intensely nationalistic, and realized to how great an extent their ruler's behavior towards foreign peoples affected his position and determined the degree of support he could gain. At the same time Bacon saw that it was more profitable to exercise influence and command a manifest respect than to waste resources in constant warfare. He was seemingly unaware of the dangers of such policies, of the possible evils of uncertainty in others as to Britain's position; while it was from these very tactics that she was to gain a dubious reputation as *Perfide Albion*. Yet this

was the type of policy that most appealed to traders and merchants, offering profit at low cost, and without loss of prestige.

Bacon was anxious to make the monarchy both powerful and popular. Indeed, he perceived that lasting power was impossible were the monarch hated, and was insecure if the people were indifferent. He had no sympathy whatever with democratic doctrines, and saw in love for the king and agreement with his policies on the part of the people the safest insurance against the growth of such ideas. Further to prevent such possibilities, he would have freedom of speech totally suppressed, since its exercise promotes differences of opinion and creates conflicts even when no serious cause for discontent exists.

This was consistent with his whole political position, but it is hard to reconcile with his scientific attitude. The denial of free expression comes curiously from one who was concerned with the advancement of learning, who was eager to have useful knowledge maximized, and who made utility the test of truth. England's subsequent scientific leadership was not unconnected with its relative freedom in this respect. Yet what Bacon feared was, not free scientific inquiry, but idle grumbling or malevolent rumors in the political sphere. How far freedom in one sphere is compatible with repression in others is a question not yet certainly answered, though the evidence seems to show that an active spirit of persecution is not easy to limit, particularly since there is great interdependence between different fields of knowledge and inquiry.

Bacon's whole viewpoint is, in its essentials, very similar to that of Richelieu. The latter also received intellectual inspiration from Machiavelli, as is shown in his own posthumous work, the *Testament Politique*. Unlike Bacon, however, Richelieu was able to suppress opposition and give his views an institutional embodiment.

*Filmer: the Patriarchal Theory of
Divine Right*

The last advocate of absolutism with whom we are here concerned is that nice knight, Sir Robert Filmer (?-1653). Of his

early life little is known. He studied at Trinity College, Cambridge. He was knighted by Charles I at the beginning of his reign and was always an ardent supporter of that monarch. It was, however, only in middle life that he took to writing, impelled by the fierce struggle between king and parliament. In a series of works, of which *Patriarcha* (published posthumously in 1680, when the troubles that generated it were over) is the best known, he defended and perfected the doctrine of Divine Right. Yet the doom of that philosophy was settled by the execution of Charles I, and this new and brilliant flowering of the idea was also its swan song. Filmer was seemingly a delightful gentleman and courtier, possessed of a good mind, but unaware of social realities. His thought, perhaps deserving a better fate, survives because Locke attacked him at length. Yet Locke was not the keenest of his critics, nor the *Patriarcha* the best of his works.

He argues that monarchy is in accordance with nature, and supports this contention by stressing the generalization, based on his observation of men's psychological reactions, that most persons prefer not to have responsibility. Despite differences in terminology, his views have much in common with those of certain modern critics of democracy, and it is one of the unfairnesses of history that another portion of his work, manifestly indefensible, has been most noted by commentators. Although his analysis of the behavior of the mass of mankind does not lead logically to monarchy, and far less to the justification of a particular monarch, it is nevertheless in itself shrewd. He does, moreover, offer some justification for monarchy by insisting also on the natural character of leadership and the appeal thereof. This, nevertheless, would seemingly support dictatorship by the strong man, rather than monarchy by birth.

The above doctrines do, however, enable Filmer to infer that the theory of popular sovereignty is false, since it does not accord with the nature of the human animal. The masses are incapable of exercising sovereignty, and if they are seduced by the promise thereof, anarchy will supervene. He therefore concludes that, apart from the normal fact of submission, there

is an absolute duty of passive obedience, that order may be preserved and social welfare attained. In adopting this position, he clearly fails to take account of the possibility that the ruler may render life valueless for at least a portion of his subjects; and Filmer does not confront the problems arising if leadership is lacking or inadequate, as it may well be on his own premises.

Having shown the general desirability of government by an individual, Filmer next undertakes the task of proving that such government must be hereditary monarchy. He has no desire to justify Cromwell, or to supply arguments for those who might wish for a similar regime. Accordingly he argues that the power of the king is the power of a father: the monarch is, quite literally, the father of his people. His authority is natural: the first kings were patriarchs, to whom their sons and the wider family deferred. The state is simply the family writ large. Alike by nature and as historical fact, monarchy is the first form of government, accepted automatically and without question.

Now, since the state is but an enlarged family, authority descends in it from father to son, by primogeniture, a principle not questioned by Filmer, and accepted by his contemporaries, at least in his own class, as a normal and necessary social arrangement. Hence it only remains for him to show that the English king is the proper descendant of the first patriarch. To trace the English line back to the Conqueror was not difficult. Nor was there any problem in showing that Noah was the only surviving descendant of Adam, and that Adam was the father of mankind (granted one accepted the Bible story). To connect Noah with William, however, would appear to any modern genealogist a stupendous task, particularly since it had to be shown that he was, not simply a descendant, but the head of the direct line. Even those whose lifework it is to find Puritan, or noble English, ancestors for successful Americans might hesitate to accept such a commission. Filmer, with an enthusiasm that outran discretion, did not hesitate, and concocted an amusing, and to us amazing, family tree which triumphantly proved his case. The work was complete, and the

Stuarts might boast themselves the heirs of God's first creation. Thus did Divine Right achieve at once its most perfect edifice and its *reductio ad absurdum*.

*Harrington: Law, Property, and
Popular Government*

Filmer died in 1653. His *Patriarcha*, as we have noted, saw the light of day only in 1680, when it provided ammunition for the Restoration Stuarts. In the interim democratic ideas had gained a firm foothold. Not least among those responsible for this was James Harrington (1611-1677), whose *Oceana* appeared in 1656. The son of a distinguished family, he was educated at Trinity College, Oxford. He then spent some years in travel, visiting amongst other countries Italy, where he was much impressed by Venice and Venetian institutions. Later, he served in the Dutch army, following which experience he returned to England and lived quietly. He was, however, appointed to the suite of Charles I, when the latter was a prisoner. He liked the king, and was liked by him, despite differences in viewpoint. This got him in trouble with the parliamentarians, although he was avowedly republican. He was accordingly dismissed, and perhaps briefly imprisoned. After the king's death, Harrington wrote, and endeavored to publish, the *Oceana*. The project was at first thwarted by Cromwell, but later, through the intercession of Cromwell's daughter, Mrs. Claypole, was allowed to appear with a dedication to the Protector. Meanwhile Harrington had formed a club to debate and further his ideas. With the Restoration he was, however, again in trouble: he was for long imprisoned, and his mind and health gave way. He recovered partially, and on his release was married. Of his subsequent activities little is known.

Harrington is normally classed among the minor figures in the history of political thought. Yet he was one of the most distinguished thinkers of his age, and his ideas were to have

scarcely less influence on the American colonists, and particularly on the Fathers of the Republic, than those of Locke himself. His reputation at a later date suffered somewhat because he was classed among the Utopians, the constructors of ideal and irrelevant schemes of government. He did, indeed, adopt the utopian technique, describing the setting-up and functioning of a complete scheme in an imaginary island. But that island is Britain, and his work is full of ideas and references drawn from British tradition and history. Moreover, in it he was offering a scheme of government fitted to the England of his day, a scheme which he vainly hoped that Cromwell would see fit to adopt.

He may more properly be classed with the realists than with the utopians, and it was to Aristotle and Machiavelli that he owed his greatest intellectual debt. Among existing governments, he most admired that of Venice, which seemed to him to illustrate admirably that balance of forces which he deemed necessary for the stability of the state. Yet he never forgot that England had its own individual situation, and that a knowledge of its history was necessary if one were to offer a competent solution of its current problems. He did not formulate that theory of historical and locational relativity which Montesquieu was to make famous: he simply assumed its truth, and made the necessary inferences resulting therefrom. His whole method and spirit was indeed historical, and he thereby avoided that specious and superficial realism that marks our contemporary pseudo-pragmatists.

His basic ideas concerning government are simple and clear: there are, he states, two possible dominant principles that may be applied to rule a people, and these are antithetic and exclusive. Either there is in the state an empire of laws, and not of men; or an empire of men, and not of laws. The first of these he holds best, because it is general. The idea is manifestly a restatement of Plato's theory, as it appears in that late work, *The Laws*, where, recognizing the extent of human imperfection, Plato urges reliance on basic and sanctioned principles. Yet, as Harrington puts it, the opposition is too ex-

treme; and those who read him, taking the idea literally, succeeded in making of it a strait-jacket to prevent change and movement. Even today we frequently hear it said that certain acts of government are unwarranted because they involve personal discretion and put the individual judgment in place of the supremacy of law; while that whole erroneous theory by which the judge is supposed simply to declare known law ultimately stems from Harrington's position.

Yet in interpreting this point of Harrington's, we must remember the circumstances of his time. England had suffered from arbitrary government under the first Stuarts, and Cromwell himself, though he gave England its sole and ill-fated written constitution, the Instrument of Government, ultimately succumbed to the temptations of power. Essentially, Harrington's theory is part of the age-long attack on despotism: positively, it is a plea for constitutional and limited government, with the executive as an instrument for carrying out predetermined laws, rather than a source of law and an unbound ruler. In short, Harrington is advocating what was subsequently a basic concept of the British Constitution, the Rule of Law, under which officers of the crown were legally answerable for their acts and through which the subject enjoyed his fundamental liberties. He wanted simply a known law, applied equally to all.

The purpose of all this was stabilization. Harrington, living through troubled times, was anxious that a lasting order should be established and believed that the rule of law was the proper means to this end. He saw, as Hobbes had failed to see, that, while absolutism might produce a rigid and artificial orderliness, it was likely to be short-lived and disturbed by revolt. He is quite convinced that the commonwealth is the best form of government, since in it play is given to the faculties of all: hence all are contented, feeling that they have a share in the state.

The commonwealth is a form of government, the empire of law, but it is also characterized by a balance of forces in the making and execution of policy. Those forces are very largely economic, and Harrington is distinguished as one of the early

leaders in the economic interpretation of history. That such a viewpoint should be developed at that time was not unnatural. The Civil War was to a considerable degree a struggle between a new propertied group, anxious to protect what it had and to pursue without let or hindrance the acquisition of more, and an old aristocracy, eager to retain its privileges and preserve its vested interests. The Commonwealth marked the triumph of the former, and, in stating that power follows property, Harrington is but generalizing from the experience of his day. That he approved the resultant widening of the state's basis is clear. Yet it is no less obvious that he believed the movement did not go far enough. Moreover, he does not see in economic classes the sole forces at work, realizing that the mind also plays its part. Power, to him, is of two kinds—external and internal. The former is the power of wealth, the latter of intellect; and the popular commonwealth consists of a wise balance between the two. Each of these forces has its own function.

The object of wealth is to secure equality in the foundation of the state, of intellect to promote a freshness of attitude in its superstructure. Harrington realizes that great inequality results only in conflict and prevents that very stability he is so anxious to attain. Accordingly, there must be equality in distribution, that the basis of the Commonwealth may be secure. Such security, however, may degenerate into lack of life and movement: the function of intellect is, accordingly, to insure progress, insofar as the latter is compatible with safety.

The means to attain those ends are fairly simple. There must be what Harrington calls an Agrarian Law, by which the land may be justly shared among the country's inhabitants. In those times, property was chiefly landed, and the enclosures, from the time of Elizabeth on, had robbed the masses of their natural livelihood. Their discontent was shown clearly in the early part of this period, to be analyzed later in this chapter. Harrington, less radical than the Agrarian Communists, nevertheless felt the need for a dispersal of power. He is concerned with landed property rather than mercantile wealth and, while his desire for the breaking-up of vast estates is some-

what more extreme a position, he is in his emphasis a precursor of the Physiocrats.¹

Secondly, that the distribution of property might remain equitable, and that rulers might not become tyrannical, there was to be rotation in office. Harrington feared the corrupting force of power and suggested this method as a means to avoid it, without the danger of party strife involved in frequent elections. The motivation of this concept was similar to that which produced the Jacksonian system. It was necessary to break up power, as well as property, and to allow all to share therein in turn. Nevertheless, Harrington was not a democrat in the Jacksonian sense, fully realizing the value of leadership. Leaders were to be elected by the ballot, the secret casting of colored balls into covered boxes. Quaintly enough, this commonplace method of modern politics gave Harrington a somewhat sinister reputation, being regarded by his contemporaries as a species of black magic.

He applied it, however, in the Rota Club, of which he was one of the most distinguished members. That club was, indeed, specifically devoted to the propagation of Harrington's ideas; and, while it was never influential and was always an opposition club, its meetings were attended by some of the best-known men of the day. Moreover, it is noteworthy as the precursor of those celebrated political clubs that were to proliferate and flourish in the next centuries.

The functions of the leaders elected by ballot were to give counsel to the people and to debate important political questions before them. Harrington, with a confidence in a democratic majority that contrasts strangely with the attitude of present-day sceptics, believed that by the ballot those who were the best natural leaders would be elected. If the people were not always wise enough or informed enough to deal with intricate questions, they were, nevertheless, fully capable of recognizing those so competent. Yet Harrington was not prepared to give to these leaders the exclusive power to make decisions. There was to be no dictatorship by the executive

¹ French social economists of the pre-revolutionary period. Their thought will be discussed early in a succeeding volume.

branch. It was for the popular assembly to decide what should be done, even though its power was limited to freely approving or rejecting what the leaders proposed. The whole system was, moreover, to be one of decentralization; and, while the central parliament was to have the final say in national affairs, there would also be strong, popular local governments, which should educate people politically and train them to a better understanding of social problems.

Harrington was, indeed, a great believer in all forms of education, particularly political education, and felt that the right way to govern was by persuasion rather than by force. To this end there should be held in every community weekly classes on the Constitution, that people might understand their form of government; while leaders should also deliver weekly lectures in the various local areas. He saw full well that, for more adequate democracy, it was necessary to have an educated public. Beyond such political education, analogous to much contemporary high school civics, and to those popular forums for debate in some of our cities, he wanted a scheme of general popular education. It is to be noted that this country was the first to apply this idea. England, itself, did not have compulsory education until 1870. Moreover, the universities were to be reformed, giving opportunity for study to those of merit, and getting rid of their antiquated curriculum and their miserable standards. The two ancient Universities, Oxford and Cambridge, were the sole seats of higher learning in England at the time, and were to remain so until towards the end of the last century. They had become futile, and Harrington was simply the first of a long line of distinguished men who criticized and condemned them.

Lastly, he wanted the church itself to be democratic and socially minded. In the Church of England the right to appoint curates and vicars was, and still is, very largely a private property of the wealthy. Congregations had to endure the undemocratic ministrations of younger sons or of members of the appointing family who were good for no competitive enterprise. Not unnaturally, such men were often poor preachers and worse pastors, neglecting their duties to their flock in

the interests of sport and social life. Harrington suggested that ministers should be sent to the different churches on approval and should be given a few weeks in which to display their wares. The congregation should then vote as to whether it desired to keep them. It was to be the function of the clergy so created to help improve the society in which they lived and to teach people their duties towards their neighbor, as well as towards the greater society. Their duty towards God was seemingly less important: Harrington was not particularly religious, and certainly not dogmatic. He feared, indeed, that theological preoccupations distracted the clergy from their more important social and political functions; and he hoped that democratic control would force a re-orientation of their outlook. In this sphere he has much in common with the social betterment policies of contemporary Protestant Modernism, the seeds of which were indeed being sown in his day.

We have suggested previously that his influence in America was great. Curiously enough, it was felt mostly by the Federalists, and not by the more democratic party of Jefferson. It was Harrington's insistence that power follows property that was seized upon by men anxious to create a strong Federal government in order that their vested interest might be secure. Particularly James Otis and John Adams acknowledged a debt to him. Thus, by a curious fate, one of the early egalitarians and democrats became the unwitting apostle of the developments of inequality and of the exclusive right of the wealthy to political power. For these gentlemen defended the Colonies and defied England in terms of the rights of Colonial property owners, of landholders, merchants, and entrepreneurs; while John Adams later, without accepting the full Hamiltonian doctrine, was to defend government by and in the interests of men of substance. It was, however, landed property with which Adams was also primarily concerned, and he believed, not without justification, that under the then existing conditions in America, land might be acquired without too great difficulty by the strenuous and competent.

Harrington was a unique and individual force, representing none of the main groups that played an active part in the

conflict between Cromwell and Charles I, and then in the Protectorate which followed. From him we turn to consider the philosophers of those groups. Puritanism was, as previously suggested, not the least of the forces at work. It combined curiously the sense that life was stern with the doctrines of individual economic enterprise, which were closely connected with the defense of parliamentary liberty and the appeal for freedom of conscience in society. The chief defenders of parliament were Prynne and Pym, both of whom insisted, despite vital differences in outlook and attitude, on the historical role of parliament and urged that the king was limited thereby.

Ireton: an Advocate of "Good Government"

With the Protectorate a somewhat different theory appeared. Henry Ireton (1611-1651), Cromwell's right-hand man, whose early death removed a possible check to the Protector's later course, advanced a philosophy that has much in common with those of Burke and Hamilton. Though he had rebelled against his king, he was by no means a radical. On the contrary, he was a conservative who wished for an uncorrupted system of government, objecting to monopolies and to the taking away of property by the king. Like certain modern groups, he was more concerned with decent government than with popular government. Votes, he maintained, should be cast only by persons with a fair amount of property, who possessed a stake in the country. He would not hand out power to the untutored and irresponsible masses. A republic was, indeed, desirable, since kings could not be trusted and the parliament, representing men of circumstance, was the most convenient way of carrying on public affairs and the surest guarantee against despotism.

Cromwell: from Constitutionalism to Absolutism

Cromwell himself was fairly modern in his political ideas. His seemingly dictatorial behavior was not based on his concept of the proper form of an enduring government but arose

from his view of the necessities of the immediate situation. He was convinced of the value of constitutional government and of a written constitution, embodying fundamental principles, which should guide and limit those in power. He was convinced, too, of the rightness of government by, and in the interests of, sober men of substance, showing little sympathy with the radical critics, whether within or without the army. Indeed, his constitutional scheme was intended to guarantee that government should secure the natural aristocracy of Puritanism against attacks alike by the nobility and by the masses. For the rest, he felt that toleration was desirable and had a deep hatred of fanaticism, however stern his moral sense. Yet he himself finally came to embody all the political vices he had once condemned, could brook no restraint, and behaved in ways highly analogous to those of Mussolini in our own day. If he warned others that their truths were not beyond question, he proved increasingly incapable of self-examination.

*Milton: Monarchomachism, Freedom of Thought,
and Aristocratic Government*

Cromwell's political career is closely paralleled in the realm of theory by John Milton (1608-1674), who was at one time his Latin secretary. Milton is, indeed, usually numbered amongst the great defenders of liberty. Yet in his old age, blind and disillusioned, he renounced the ideals of his prime, and gave aid and comfort to the supporters of Puritan privilege and reaction. Whether a man's latest thought should, under such circumstances, be treated as expressing his genuine convictions is a dubious question. Certainly his predominant influence was on the democratic side, owing to his anti-monarchical doctrine. Nevertheless, even in his earlier thought there was a certain aristocratic element, and to be a Monarchomach implied in itself no democratic sympathy. Even a thoroughgoing defense of freedom of thought, particularly in an age when few were educated, might simply reveal a concern for intellectual aristocracy. In the last analysis, Milton's support of Cromwellian reaction gave aid and comfort to those who

wished to lessen the scope of the post-Civil War settlement. Indeed, it is not unfair to argue that his aristocratic program provided a narrower basis for government than Bacon's concept of popular monarchy.

The first rounded expression of Milton's opposition to tyrannical government occurs in *The Tenure of Kings and Magistrates* (1649), a work in the monarchomachic tradition. There he insists that kings, and the magistrates charged with executing their orders, are alike agents, servants of the community, with responsibility thereto. Hence they may not govern in terms of their personal whims, regardless of, or in opposition to, popular desire. Should they do so, the basis of their authority disappears, and they may be resisted and deposed. For the people are free by birth, and it is not for rulers to deprive them of that freedom without or beyond their consent. Should they be so deprived, it is their right to use any necessary means to recapture their just position. Such argument, manifestly, was a frontal attack on that whole theory of kingly power and prerogative previously analyzed.

Milton, indeed, went much further than this. Not only did government rest on the consent of the governed: there was also an essential sphere of liberty from government, where the individual might function without restraint. This was the sphere of thought and expression: Milton here is far more liberal than the Monarchomachs, who were not always champions of the claims of the mind; and his *Areopagitica* (1644) is rightly considered one of the great milestones in the struggle for liberty. It is, indeed, far less qualified and hedged than the later plea for toleration made by Locke. It is comparable rather with the position of that great Independent, Roger Williams; while it was not until the nineteenth century that John Stuart Mill, in the course of his essay *On Liberty*, was to make an equally thorough examination and defense of free thinking.¹

Milton insists, first, that freedom of speech is the only sensible social arrangement, and the only useful one. Censorship

¹ J. S. Mill, a disciple of Bentham and of his father James Mill, the founder of Utilitarianism, was the chief English liberal philosopher of the middle of the last century. Roger Williams is discussed in Ch. XX.

is an absurdity, which can cause only harm. Truth, Milton is confident, will prevail when all positions are subject to free examination and discussion. Therefore, even granted that censorship could destroy errors, it would still be redundant. Since, however, it is not based on unhampered examination by different minds, there is a considerable chance that it may destroy truth itself. Hence at best it is wasteful, and at worst, positively harmful. Moreover, its existence prevents fruitful speculation that might otherwise take place.

Secondly, to legislate in such matters is to misunderstand the nature of laws. Laws exist to punish crime, not to promote virtue. By crime Milton seemingly meant what we understand by *mala in se*, things inherently bad, not *mala prohibita*, things evil because at a particular time and place forbidden by statute. He was an advocate of intellectual laissez-faire, realized that morality was personal and that goodness arose from activity, and wanted the state to punish bad choices, not to prevent choice. The absence of laws, he held with Mariana, promoted virtue. The principle was perhaps stated too absolutely, and certainly it could not be applied without qualifications to the more complex society of today. Yet present governments and peoples too often are unaware of the element of truth contained in it, and have an exaggerated faith in the possibilities of making men good, or in the social value of rendering them harmless, by legislative fiat.

Later, Milton points out that uniformity is in any case unattainable, and insists further that it is undesirable. Individuals are stubbornly different, and attempts to pour them into one mold are doomed to failure. Moreover, differences give interest to life, and from the friction engendered by their interplay comes development. Only as a result of deviations do we get improvement. Milton, of course, was unable to avail himself of the later support for such doctrine that could be derived from the theory of evolution. He had, nevertheless, a full appreciation of the richness of life and of the charms of diversity.

Milton's third political work already reveals a growing conservatism and a distrust of the masses, though its main object

is to attack monarchy as a form of government. Thus the *Eikonoclastes* is in one sense more radical than his first work, where he had merely urged that kings were servants of their people. Here, as his title states, he is concerned with destroying the very image of a king. He is, nevertheless, prepared to admit the value of monarchy, should a suitable monarch be discoverable; but the philosopher-king, he feels, is a chimera of the imagination. No one has a claim to kingship unless he excels all other men in wisdom and courage. Actually, no individual so superior to all his fellows exists; and certainly such a one is not to be found on a throne, nor among the members of royal families. Milton expresses a deep contempt for monarchy as he knows it, or knows of it. To him kings are scoundrels wearing imposing masks. When these are torn off, the internal rottenness is revealed.

Milton wrote his diatribe viciously, without restraint, and his immoderate language repels. Nor is he motivated by a sympathy for the oppressed: his contempt for, and distrust of, the people is scarcely less extreme than his hatred of royalty. What he advocates is the rule of the best, of a distinguished aristocracy unhampered by popular checks and free from the necessity of deferring to a monarch. How the best are to be discovered, or how they are to be delivered from the temptations of bias and the opportunities for degeneration he does not reveal. The English aristocracy, a somewhat favorable example of such class, succeeded in holding the reins of power from shortly after Milton's death down to quite recent times. But, if one measures its value in humanitarian terms, rather than by success in preserving power, one may well question the desirability of such a regime.

This general attack on monarchy was followed by a defense of tyrannicide, of the execution of Charles I. That event had shocked Europe, and the great Dutch scholar, Salmasius, ventured to protest the act. Milton's answer, the *Defensio Regia pro Carolo I*, was far from polite, though it doubtless added to his reputation as a republican, without revealing his lack of sympathy with democratic ideas.

Milton's final political work was *The Ready and Easy Way*

to Establish a Free Commonwealth (1660). The title, far from indicating the contents, is totally misleading. For the government Milton there espouses involves the total denial of freedom. In it he recants all he had previously said and reveals himself as the champion of aristocracy and conservatism. His fear of the multitude had become almost a mania. His real wish is government by a small class, sternly keeping the people in complete subjection and ruling in the exclusive interest of the cultured. For the absolutism of a king he substitutes the dictatorship of a caste.

Nevertheless, Milton in the beginning supported the Independents, the radical wing of the Puritan movement. He approved their attack on royalty and defended Cromwell, his friend. Consequently, his influence has been felt chiefly on the democratic side. His name is generally joined with those of Locke and Sydney (who, however, unlike Milton, opposed and criticized Cromwell's later course) as one of the great influences on American thought before the Revolution.

*The Independents: Vane and Sydney: Representation
and Freedom of Conscience*

On the extreme left of the Puritans were the Independents, whose main concern was with the rights of conscience. They believed in political liberty as a means to religious liberty and because it gave the individual an opportunity to be his best self. Impatient of the restraints of government, many of them left England for America, where they exercised an enormous influence in liberalizing Puritanism, in introducing democracy, and in developing a more tender social conscience than the more self-righteous Puritans were inclined to reveal.

Among this group perhaps the most distinguished was the younger Sir Henry Vane, friend of Roger Williams and a leading member of the republican party in parliament. At first he supported Cromwell, though he believed it tactically and morally wrong to execute Charles I. Later, however, he became a convinced opponent of the Protector, advocating government by a reformed parliament dependent on a wide franchise. It

was only with the Reform Bill of 1832 that his essential proposals were given institutional embodiment, and even then the franchise was not so liberal as in his proposals. His writings, however, which are now extremely rare, were not primarily political. With him may be coupled Algernon Sydney, who supported him on all essential issues. The latter, together with Roger Williams, was one of the great advocates of religious toleration in his time, going far beyond Locke in his defense thereof. His *Discourses on Government* was, however, only written later, when, with the coming of the Restoration, he was an exile, while it only saw the light of day in 1690, years after he had died, a victim of Charles II and of that judicial butcher, Jeffries. Yet, with the exception of Locke, it was the Independents who had the most profound and long-lived influence on the development of American ideas and institutions.

*Lilburne and the Levellers:
Egalitarian Democracy*

During the Civil War the Cromwellian army became a center for political and social discussions, and in that army were a whole host of anonymous pamphleteers, while various of the leading debates as to what government should be established for the future were recorded and preserved. Perhaps the most distinguished of the army philosophers was John Lilburne (1614-1675), although the whole group of Levellers produced a political theory essentially democratic and egalitarian. Rather than deal with any one man or work, it is perhaps desirable to state the essential principles shared by the group, even if Lilburne was its coherent mouthpiece.

They believed there was a law of nature, by which men were possessed of rights. Among these rights they emphasized especially the right of equality, though they were scarcely less concerned with the liberty of conscience. They objected to tyranny in government and championed the establishment of an impartial justice, applying the same principles to all without regard to social or economic position. They felt that consent was the necessary basis for government, and from this they de-

duced that any individual had a right to vote. While they had fought against the tyranny of a king, they were aware that parliament itself might prove no less tyrannical and might have to be checked. Government was of and for the people: the parliament was simply the people's servant. The individual, and not a group in authority, had ultimate value. Parliament was a necessary evil, since direct democracy under English conditions was impossible. But, lest the people be harmed, the members of parliament were to be more strictly supervised than had hitherto been the case. They were to be allowed only a short time of service that they might never forget to whom they owed their power nor become arrogant through a belief that they were indispensable. Though power was to be delegated to them, certain basic rights were always to be reserved for the people itself. Kings, it need hardly be added, were regarded as quite an unnecessary evil. The Levellers were republican to the core. Their influence was general rather than particular, contributing to the stream of democratic thought, but not achieving any direct translation into institutions. Indeed, after the Restoration their ideas were for long ignored and forgotten in England itself.

If the rank and file of the army were radical in their tendencies, there were groups yet further to the left who desired a complete agrarian communism and absolute equality, rather than sharing of individual property. They advocated a co-operative commonwealth, in which all must work and where all would share fairly in the products of labor.

*Communitistic Theory: Equality
and Human Dignity*

Early in this period, such theories were advanced. They are associated particularly with three names, Hare, Hartlib, and Chamberlin, whose ideas, while they differed in detail, may be treated together through the similarity of their principles. They were opposed to recognition of the right of property, believing that it was essentially a wrong. The state, they felt, was an instrument of economic oppression. It should be trans-

formed into a purely economic institution for the direction of production for the general good. The individual must be subject to its authority, and his duty is to cultivate a patch of land given him by the state, according to the latter's directions and under its control. If he were slack, the state should warn him to improve his ways; and, should he fail to heed that warning, he must be removed from the land. They agree with the idea, "he that will not work, neither shall he eat." Yet, if they were anxious to do away with any leisure class, their main object was the popular ownership and control of the land itself. In particular, they resented the holding of vast areas of land by the church and by the state for the benefit of the owners—areas on which the ordinary individual had to work to gain a bare livelihood. These lands should be turned over to the nation; while commons, that great source of revenue, should be restored, and the work of the enclosure movement should be undone.

Their doctrine was perhaps in the main critical, and they had not yet faced the difficulties of setting up adequate progressive institutions. Yet they were the first communists in modern times, even though their communism was agrarian rather than industrial. They did, however, advocate a positive social welfare state, and their emphasis on equality rather than formal liberty affords a significant contrast to the prevailing interpretation of natural rights and social contract, the prime object whereof was to ensure freedom for useful thought and for acquisition.

That celebrated pamphlet, *The Moderate*, is indeed somewhat different in tone, its emphasis being anarchistic rather than communistic. There the social value of economic equality, in terms of the dignity and happiness of man, is eagerly argued. Were economic equality to exist, there would be no need for government. Government is simply a means to defend an unjust robbery of one class by another. For the enclosure were the work of robbers, and the chief robber of all was the king. Long before Proudhon,¹ it insisted that prop-

¹ Proudhon was a French economist, with anarchistic views, of the first half of the nineteenth century. Continental anarchist doctrine owes much to him.

erty is theft. Positively, there should be a just division of land among the people, and such regulations as might be necessary should be through local government by magistrates, representing the people with whom they were in immediate contact. A federal government is a superfluity. Such doctrine, though it was repeated in some respects by the prescientific socialists, was unlikely to have any lasting influence. Its anarchism might be practicable in a simple and partly agrarian society, but a later Industrial Age was to make the problem of coördination in a society where division of labor was highly developed the most pressing of all tasks.

*Winstanley and the Diggers: Agrarian
Communism and Mutual Love*

The most widely known of the advocates of communistic practices in Cromwellian times were the Diggers, that delightful band of ardent egalitarians who endeavored to put their theories into practice, though whether because they believed that their scheme could succeed or merely for propaganda reasons, it is hard to tell. Certainly Gerald Winstanley (1609?-?), their leader, was a clever pamphleteer. However idealistic he may have been, he was not totally naïve. At any rate, the Diggers took possession of common land on St. George's Hill, and there started to till the earth and to establish a self-supporting community, which may, perhaps, be regarded as the forerunner of those numerous communistic experiments of a later date, many of which have been tried in this country.

Unfortunately, the Diggers were disrupted and disbanded by Cromwellian forces. Like Locke later, they believed that property was the product of labor, and with this idea they combined a mystical feeling for the land. Nature gave its fruits to those who dug, and man's proper function and work, by which he harmonized himself with the natural world, was to turn the sod. Moreover, reason showed that the earth belonged to man and beast. The Diggers seemingly felt that man should live in friendship with the brute creation, and they were presumably vegetarians. Everyone should live in peace

and friendship with his fellows, and that friendship could thrive when all were equal. Then fear and envy could not destroy their mutual love. Whether Rousseau ever encountered their pamphlets may well be doubted, though the basic similarity of attitude is self-evident.¹ Contrasting the ideal that they were pursuing with the actual conditions of the England in which they lived, they stated that the labor of the poor had been exploited, and through it thief-tyrants had been raised up and given ascendancy. The contemporary society had departed from the teachings of primitive Christianity; and they simply desired to return to a Christian world. As they read the Bible, it seemed clear to them that Jesus Christ was a Leveller, who wanted to bring equality on earth.

In a sense, therefore, it may be said that they are the precursors of the Christian Socialists, though the latter have never shown an equal radicalism. The most distinguished pamphlet of this whole radical group was *The Law of Freedom in a Platform*. It advocated a complete and new society, in which all should live through their own labors and a direct exchange of goods. There was to be at most a barter economy, and money was to be abolished. For buying and selling were necessarily evil, involving diversion, the alienation of wealth from its rightful possessors, and cheating. The idea, whatever its merits, was impracticable: it would have meant an everlasting scarcity economy and would have made impossible the emergence of industrialism.

Incidentally, it may be noted that the Diggers here emphasize and expand the objection to usury on the part of the Medieval Church. Inequality was to be destroyed since wealth gave to some the power to oppress others, while riches could not be come by honestly. This was, perhaps, an exaggeration; although many who are aware of the basis of the great industrial fortunes of our own day may feel that it contains an essential truth. Nor were war and force to be employed, since they were also means of oppression and destroyed human love and coöperation. Again, those who live in an age when nationalism and imperialism are rife may give a ready assent.

¹ See Ch. XXII, pp. 620-623.

With the above evils removed, all were to share in the nation's property, freely enjoying the land on which they lived and which was rightfully theirs. Lest any be tempted to anti-social behavior, local magistrates were to be created. They were to hold their power only for one year. Production was to be carried on by individual or corporate activity, according to conditions, that the land might be most effectively used. The goods produced were to be exchanged through barter, and each must contribute his proper share to the common store. Failing in this, he was to be punished. Everyone was to receive an education, which should include technical training for the performance of socially necessary tasks. Everyone under forty years of age was to have to work, and men might work longer if they were able and so desired. Those over sixty, full of wisdom as of years, were to live honored lives and were to supervise the work of the younger men. The clergy were to be dissolved as a religious hierarchy and were to become simply teachers. For the discussion of questions of general interest and for the making of policy there should be local parliaments. Lastly, marriage was a purely civil undertaking, and was to be terminable by mere declaration for adequate reasons.

Allowing for the difference in situation and period, it is notable that this theory has much in common with the theory, and in some respects, *mutatis mutandis*, the practices, of the present Soviet Union. Certainly we can discover in it the objection to a profit economy, the idea of the best development and utilization of resources, the concept of the duty to work as a social obligation, and the insistence that all shall be given opportunity and training; while, lastly, the idea of a new and more rational morality is clearly present. Further, it may be worthwhile remarking that in Russia today there is a peculiar interest in this particular movement in English history.

At the time all such movements were doomed to failure, since, if inequality in the disposition of wealth promoted great discontent, the main problem for the next two centuries was to be that of production; and, in the early days at least, in-

equality and the stimulus of profit were a potent spur to the increase thereof. The stress was accordingly placed on liberty rather than on equality. Indeed, liberty would promote inequality, and, by individual acquisition through its calculated use, society would gain. It was only in quite recent times, when technology made possible adequacy, and perhaps abundance, for all, that the problem of the re-distribution of wealth was to occupy men's minds more generally, and that the volume of discontent was to be sufficient to put a considerable political force behind plans for the common ownership of productive instrumentalities and for a more just and rational distribution of products.

Yet, while some of the Cromwellian radicals would have thwarted economic progress, it may be desirable to ask ourselves whether an early adoption of their ideas might not have led to the creation in our day of a more balanced, if perhaps somewhat less advanced, society. Certainly, it would be unwise to assume that, because they failed to achieve their ends, they were therefore absurd. It would be no less foolish to forget that from that day to this the stress on economic equality as the sole basis of a sane society has had a continuous history and an increasing influence, even though these particular champions thereof were for a time forgotten in their own land.

Bibliographical Note

On this period there is considerable literature. G. P. Gooch's *Political Thought in England from Bacon to Halifax* is the best introduction, being simple, brief, and scholarly. Chs. I, III-VI, and VIII cover the material treated in this chapter. Gooch's *English Democratic Ideas in the Seventeenth Century* (2nd edition, with notes by H. J. Laski) is more specialized, but excellent and not difficult. Its treatment of Levellers and Communists is particularly valuable, while it has two useful introductory chapters on early modern democratic ideas in general and on democratic theory in England from Wyclif on. The second chapter of Laski's *The Growth of European Liberalism* is a stimulating essay on the religious, scientific, and political thought of this period and its connection with the growth of the middle class.

On Divine Right doctrine Figgis's *The Divine Right of Kings* is the standard work. It deals with that peculiar idea sympathetically, and explains its relevance to its period. Ch. VII is especially useful in connection with this chapter. A brief, but somewhat superficial, treatment of the same subject may be found in I. Brown's *English Political Theory*, Chs. IV and V. C. H. McIlwain's *The Political Works of King James I* contains a very useful introduction, analyzing that monarch's ideas and setting them in their background. There is an article on his philosophy by H. M. Chew in Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries*, which also contains a good, brief essay on Hooker, by N. Sykes and a more lengthy article on Harrington by A. E. Levett. A good treatment of Filmer, by J. W. Allen, is to be found in Hearnshaw's *The Social and Political Ideas of Some English Thinkers of the Augustan Age*.

R. Smith's *Harrington and His Oceana* is a very useful analysis of that thinker, and contains interesting material on his influence in this country. Vol. I of W. Haller's *Tracts on Liberty in the Puritan Revolution* consists of a commentary that puts the pamphlets in their historical setting. While somewhat specialized for the beginner, it is very revealing as to personalities and outlook of the time. T. C. Pease's *The Leveller Movement* is the one available work on that subject. While not light reading, it is full of substance without being exhaustive. A. D. Lindsay's *The Essentials of Democracy*, a short and provocative work, contains some material on democratic ideas in the Cromwellian army, used primarily to illustrate problems of contemporary democracy.

CHAPTER XVIII

Hobbes: Absolutism as the Alternative to Anarchy

*Hobbes's Life: the Influence of Disturbance
in England and of Science*

THOMAS HOBBS (1588-1679) was the second son of a vicar of like name. He was born prematurely, a fact ascribed to his mother's fright when she heard reports that the Armada was on its way. Indeed, Hobbes himself attributed to this that timorousness which was one of his outstanding characteristics, though the circumstances of his life might furnish a more acceptable explanation. His father, contrary to the usual behavior of clergymen, disappeared, leaving three children to be brought up by his brother, a well-to-do glover in Malmesbury, the town with which Hobbes is normally connected. Here already, perhaps, Hobbes had that experience of insecurity which was to be a characteristic feature of his life and goes far to explain his eager search for order. After a considerable period of schooling, part of which was spent at a private school kept by Robert Latimer, he went to Magdalen Hall at Oxford when he was fifteen. At that time the scholastic philosophy was still the accepted basis of education. Hobbes found it of little interest: he was already devoted to the study of mathematics and of the methods and achievements of the physical sciences as they were then being developed. At the same time he read many works of travel and studied geography. Perhaps this was also due to the same kind of scientific interest, though it may have been stimulated by the expansion of Europe and the romantic growth of English power through maritime adventure.

Nevertheless, Hobbes conformed sufficiently to graduate in 1608, though his opinion of Oxford education was not high. Indeed, he is, together with Harrington, among the earliest of a line of distinguished intellectuals who were to find the curriculum and the teaching methods of that venerable institution singularly unsatisfying. Following his graduation, he became the tutor of William Cavendish, later the second Earl of Devonshire. His connection with the Cavendish family was, indeed, to last for the rest of his life and to stand him in good stead in the controversies in which he became embroiled. At the time he was little older than his pupil and seemingly was as much his companion as his teacher, going with him on a tour of Europe, which they saw together for the first time. The years following were devoted largely to study, particularly in the classics, and in 1628 there appeared his celebrated translation of Thucydides, whose historical writing had greatly impressed Hobbes and may indeed have helped to shape some of those ideas later developed in his own political philosophy.

The year after the appearance of this work, Hobbes, with his first patron dead, went abroad as the companion of another youthful aristocrat, but was recalled to teach the young Earl of Devonshire, the son of his late pupil. Again he went on an educational tour, though this time, owing to the reputation he had already acquired, it was largely an education for himself by association with various distinguished continental thinkers of the time. At an earlier date, indeed, he had acted as secretary to the great Bacon, from whom he perhaps gained certain of his political ideas and who may have given him a familiarity with Machiavelli. Now he met and greatly admired Galileo, and also entered the circle of Mersenne, a philosophic monk who enjoyed the friendship of Descartes.

Hobbes thus had contacts largely with that group of thinkers whose scientific inquiries were fundamentally undermining the once dominant interest of the scholastic in metaphysical speculation and were preparing the ground later to be tilled by Newton. Hobbes found the mental climate congenial, and, though his endeavors in mathematics and pure science were of very dubious value, it was on their premises that he erected that



Thomas Hobbes

psychology and political philosophy that were to ensure his lasting fame.

That he turned his attention to the latter subject was probably due to the problems raised in an inquiring mind by the condition of England, whither he returned in 1637. He had, indeed, previously begun his studies of human nature and politics and had made a draft of his *De Corpore Politico*, which, however, saw the light of day only many years later. Disgust with Charles I was already assuming ominous proportions as that monarch's years of rule without parliament drew to an end. Hobbes accurately sensed the atmosphere, and when, late in 1640, the newly convened Long Parliament sent Laud and Strafford to the Tower, he once more went abroad, there to remain some eleven years, mostly in Paris, where he resumed his companionship with Mersenne and his friends. He was amongst those given an opportunity to criticize certain works of Descartes before publication, and he was also one of the referees in a curious squabble between two scholars over the problem of squaring the circle. This last activity may have inspired in him that interest in the question which led him later to publish a solution to the impossible task, a solution which he considered, despite the criticism of friends, would prove his greatest claim to fame. For some years, too, he was mathematical instructor to the Prince of Wales, who had been sent to France for safety's sake.

During this period also he revised and published his treatise *De Cive*, while his greatest work, *Leviathan*, appeared in 1651. Meanwhile, Charles I had been beheaded, and Charles II was in exile in France. Hobbes had joined the royalist group there, but, as the contents of this work became known, he lost favor, since he seemingly defended any established government, and therefore, from the royalist viewpoint, was a traitor to their cause and a supporter of Cromwell. At the same time his attacks on the papacy brought down on him the wrath of the French authorities. He was forced to flee, and returned secretly to England, where the Protectorate allowed him to stay provided he ceased from public activities. He re-established his connection with the Earl of Devonshire, from whom he received

a pension, and on the whole he was able to live in modest comfort. He devoted himself once more to his studies, and in 1658 published the *De Homine*, a not too successful work on psychology.

From this period on his life was largely given to controversies about either ethics and psychology or mathematics. While with the Restoration he found himself once more in favor and was received at Court, his new popularity was short-lived, since in 1666 parliament chose to investigate his *Leviathan* and passed a bill against atheism and kindred offenses, of which Hobbes was, perhaps unjustly, suspected. As a result of this, he had, in return for the royal protection, to promise to keep silent on matters likely to offend popular sentiment. He went on writing, however, though his works had to appear either abroad or posthumously. Among them only one is of great political significance: *Behemoth, the History of the Causes of the Civil Wars in England* (1679). Hobbes's latter days were spent in comparative quiet, the imposed silence which must have irked him being compensated by the respectful visits of distinguished foreigners in England.

This brief story of Hobbes's life should perhaps make clear his reasons for disliking disorder and his desire to support established government. He has, indeed, been accused of cowardice both for his original escape from England and for his later return thither, which has been interpreted as a desertion of his exiled monarch. He did, it is true, lack the courage to fight for a cause to the point of martyrdom. It should be remembered, however, that when he left England he was deserting no party to which he was intimately attached, while when he returned, he was already in disgrace with the royalist group. What would have been achieved by his getting himself killed or imprisoned, it is hard to see. In speculation and controversy he was bold, and sometimes indeed overbold, and when he finally promised to keep silence, his essential ideas were already well known.

Whatever our judgment of his character, it is with his political philosophy that we are here concerned, and in our dealing therewith it is essential to remember that during the greater part of his lifetime England was in a state of tremendous emo-

tional and intellectual ferment. He came to intellectual maturity at the time when the struggle of the middle class against Charles I was growing exacerbated, and he was to live through the Civil War and the Cromwellian regime. If Italy at the time of Machiavelli had been torn by the strife of city-states and had been in danger of foreign conquest, the England of Hobbes was disrupted by a conflict yet more fundamental in terms of principle, the conflict between two classes and between different economic interests.

This struggle was made more bitter and given a peculiar emotional content by reason of a parallel struggle between religious faiths. The Church of England, that bastard creation of Henry VIII, was by now dominantly a high church gaining its support in major part from the landed aristocracy and from certain groups of the wealthiest burghers. The Puritan movement, on the other hand, was, in its less radical and more socially acceptable form, closely connected with the yeomanry and with the bourgeoisie in general. It also received some support from a certain section of the new merchant class.

*Hobbes's Character, and His Approach
to His Subject*

It was against the background of these struggles that Hobbes formulated his political philosophy. While a not incapable courtier, with considerable sympathy with the royalist group, he was driven to a kind of impartiality by his own fears. For he was above all a timid man, more anxious to save his neck than to show an ardent loyalty to any one party. While he was personally a delightful companion, he seemingly had a horror of physical suffering and of violence in general. He was not of the stuff of martyrs. A peace-loving gentleman, his prime desire was to see peace and order triumphant in the land he loved; and to gain this he was willing to accept even the extremest tyranny. Indeed, in reading his work with its pungent and forceful phraseology, and its very savagery on behalf of order, one wonders how it could be the product of one so essentially shrinking. Yet his language is psychologically the courage of a fright-

ened man brought to bay. He argues vigorously in terms of his fears for his own and the country's safety, should stable government not be secured.

Hobbes's thought is, despite one or two slight lapses, rigorously logical. It has indeed been called geometrical. That it should have been so is not entirely surprising when one remembers that the age was an age of scientific inquiry and that the Cartesian Revolution had already taken place, giving men a sense of a universe completely explicable in terms of mathematics. While Locke, following Newton, was to be the inaugurator and forerunner of the Age of Reason in the social studies and was to gain credit for applying supposedly scientific methods thereto, it is perhaps Hobbes who most genuinely deserves this credit.

In the sphere of pure science and of mathematics he was, indeed, a dilettante, and a somewhat pig-headed one at that. Nevertheless he was in philosophy among the first of moderns, using exclusively empirical methods and adhering to a rigid materialism in dealing with the phenomena of man's mind and the functioning of his personality. As we shall endeavor to show, he was in certain respects a precursor in psychology of the Behaviorist group of today; just as in a more general way he was the first, and by no means the least able, of the Utilitarians. Indeed, if the latter rejected his politics, they could not deny their debt to him in the analysis of human behavior.¹ It was he who set the mode of the dominant school of English philosophy from his own day until that period in the nineteenth century when the English Hegelians made their appearance.² Locke was, it is true, to be an equal influence. But if Locke denied certain of Hobbes's conclusions as to human nature and set up a

¹ The Behaviorists are a group of psychologists, predominantly American, of whom J. B. Watson is the best known. They explain human activity in terms of the response of man's organism to the stimuli provided by environment. Much of their theory rests on the Russian Pavlov's experiments with animals, and his statement of the conditioned reflex. The Utilitarians derive from Hobbes via Hartley on the one hand and Helvétius on the other. Their psychology, by which men pursue pleasure and avoid pain, knowing what will cause each through an association of ideas arising out of past experience, is called Associationist Hedonism.

² Best known in the sphere of political theory are Bosanquet, Green, and Bradley, though in pure philosophy McTaggart is perhaps the greatest.

quite dissimilar pattern for the state, his methods of investigation and his assumptions as to the role of experience were not essentially different. Both, certainly, believed that men were formed and shaped by associations arising from repeated experience; but, where Locke held that these were the product of careful reasoning by beings fundamentally good, Hobbes saw them rather as the results of habits formed by immediate responses of persons dominated by short-sighted self-interest.

It may seem to the student that such an excursus into the fields of psychology and pure philosophy is irrelevant to our purpose. But if political philosophy largely grows directly out of economic foundations and the political super-structure of the day in which the philosopher functions, it is, at least with those who have clearly worked out systems, no less a product of their basic metaphysical and psychological assumptions, even though these in turn may be not entirely unconnected with the circumstances under which they live. Certainly in Hobbes's case his political philosophy was based on a very definite concept of the nature of the human psyche and on an epistemology established at least to his own satisfaction. Knowledge, he claimed, could come only through the senses. He denied, therefore, any doctrines of innate ideas, as well as the popular theory that moral judgments are inborn. If he did not formulate Locke's celebrated doctrine of the *tabula rasa*, he had the perhaps sounder vision of man as a physiological organism responding to the stimuli of an environment and shaped by what he there chanced to encounter.

Hobbes's View of the Nature of the Human Animal

Both stressed equally the incidence of environment, but while Locke seemingly believed that total nothingness might, through the influence of environment, take definite shape and character, Hobbes assumed rather a material organism with basic needs that had to be fulfilled, and in terms of whose fulfillment environment would be evaluated. He posited two fundamental drives, appetite and aversion, though he did not

settle the problem of how persons might distinguish between what would satisfy appetite and what would disappoint the organism. From appetite and aversion, he argued, sprang all the emotions; and in terms of these two all judgments were made.

It was perhaps a little inconsistent with this to insist, as Machiavelli had done before him, that all men were bad, since his own implication was that they were amoral, or at most undetermined, with potentialities for good or evil that would develop according to the experience they encountered. Yet by badness Hobbes seemingly means much the same thing as Machiavelli—that is, not that men are invariably wicked, but that they have no innate drive towards the transcendent good or towards those splendid ideals held by Christian moralists. They are material beings concerned primarily and above all with their own satisfaction. Hence they are driven by a self-interest directed to the fulfillment of their fundamental urges. Yet, at the same time, they are aware of other beings similarly motivated and with whom they come into competition. These latter may prove stronger than they and will endeavor to disappoint them. Therefore, if self-interest drives men on, fear, which is also a kind of self-interest, that is, the desire for self-preservation, acts as a deterrent and makes them submissive when they realize that failure to submit will involve their own destruction. They are, therefore, in all senses, selfish. Yet their selfishness profits them little, since they are normally incapable of the long-term vision. They are intensely concerned with immediate satisfactions, regardless of the price that finally has to be paid. Thus selfishness is balanced by stupidity; and the two together lead to the anarchy of perpetual, and ultimately purposeless, struggle.

Yet for Hobbes, as for countless other thinkers, the end of life is happiness. To him, however, as might be expected from what we have already said, happiness does not consist in the contemplation of beauty or in any sort of spiritual exaltation. It is simply continued success in gaining all that one desires; and one's desires are exclusively those of a physiological organism. To attain this happiness one must have power. Indeed, power is nothing but the ability on the part of the individual to

secure the greatest possible amount of good things. Now, since the world is full of men all competing in the struggle for happiness, the chances of permanent fulfillment are slight. One may, it is true, satisfy one's desires for the moment. Such happiness is nevertheless partial and short-lived, for not the least of one's desires is the desire to survive and to continue to enjoy. Yet in the struggle for those things which bring enjoyment, one's survival is itself threatened.

*The Need for the State and the Means
to Its Creation: the State of Nature
and the Social Contract*

How is this difficulty to be overcome? Hobbes's answer is Leviathan, the state. The only power certainly and permanently superior to that of the individual is that of an organized community of all individuals, the commonwealth. Hence it is through it alone that lasting happiness, and the security that is its basis, may be attained. To put this otherwise, the state is the organ by which the logical and the physiological may be reconciled. Man is an organism reacting behavioristically to stimuli. He is irrational and lacks any clear sense of unity with his fellows. He pursues his ends without thought of the influence of his action on others, save insofar as that affects his success. Yet that this behavior may not result in the elimination of man, or at best in meaningless and unending strife, there is need for some rational ordering of human activities. In terms of the nature of those to be ordered, force alone can provide the requisite solution. The only enduring and clearly superior force is the state, whose necessity is thus made evident.

Nevertheless, the logical necessity of the commonwealth creates rather than solves his problem: it raises the question, how is the commonwealth to be brought into existence? It is this question that Hobbes endeavors to answer, first in the *De Cive*, and again in the more celebrated and important *Leviathan*. It is posed as follows: how can a series of discrete individuals, living in an unorganized state of nature, be brought into an organized society under the aegis of government? This involves

an inquiry into the conditions of the state of nature. That state was for Hobbes very different from the state of nature described by the Stoics and by the medieval and post-reformation natural law theorists, as well as by Hobbes's immediate successors. For they almost uniformly were trying to find a basis for justice and for rights. They assumed an inherent and therefore natural equality in men, as well as a supposed faculty of reason. Hobbes, on the other hand, has no ethical precept to elevate and develop into an harmoniously rounded system of obligation. He sees only material beings possessed of power; and he is concerned purely to create security with such unpromising material. While it has not been generally noted, his attitude is thus initially more tolerant than that of his seemingly nobler fellow-theorists. If his system ends in an extreme tyranny and denial of all individual claims, it begins with a recognition of the individual. For the individual has desires, and wants to fulfill them: Hobbes, unlike so many political thinkers, does not venture to set himself up as a judge of the quality of those desires. Men will try to satisfy themselves; and it is not for him to say that they ought not to do so. To him, it is true, the latter statement would have been meaningless. Yet it is worth remarking that this materialism has in it the possibilities of a kindlier attitude towards one's fellow human-beings than the dogmatic sense of moral truth we so frequently encounter.

Whether this kind of tolerance helps to solve the problem of man's social existence may, nevertheless, be doubted. Hobbes professes no certainty as to the ultimate truths of existence, but simply demands an end of strife. Whether even a minimal and utilitarian level of order can be attained without reference to some ethical concept is, however, the question; and Hobbes seemingly brings in by the back door the very assumptions he has consciously rejected.

To return to the question originally posed, Hobbes believes that in the state of nature men are roughly equal. They are not equal because right reason says they ought to be, nor yet because they are at birth equal in their nothingness. Their equality is discovered, not by philosophizing, but by observation and experience. To Hobbes, common expressions used in

daily discussion are the first evidences of such equality. In their ordinary life men are forever saying things that show that they believe themselves roughly equal to their fellows. This belief could not persist without some foundation in fact. Hobbes, it may be parenthetically remarked, was unaware of what the modern psychologists call compensation. If, he said, one is forced to admit that another is more beautiful, one immediately adds that oneself is of nobler character. If another is wealthier, oneself is stronger. Nor is mere speech the only proof of equality. The giant can be laid low by the cunning machinations of the dwarf; while, should one man be of all-round ability, he would soon be exterminated by a conspiring group of envious persons, so that equality would be restored. Hence no individual, alone and unaided, can gain preëminence and a sufficiency of power to make his continued enjoyment secure. For in the natural condition, men are forever fighting in their savage competition. *Homo homini lupus*: man is to his fellowman a wolf.

The state of nature is, then, a state of isolated and fighting individuals, each desiring recognition of his power. From this springs the possibility of war, and indeed war itself. Competitiveness, diffidence, and the search for glory all play their part. Competition is directed towards gain, and the fight for glory is based on the need for reputation. Diffidence, on the other hand, is a calculated shrinking in order to secure safety. But it is normally outweighed by the drive of the other two; and even if in some individual it should be the dominant drive, he would still be unsafe, had he sufficient of the good things of life to provoke the envy of his fellows. Hence there prevails in this natural condition a perpetual war of all against all, *bellum omnium contra omnes*. No one could contemplate such a way of life without judging it unmitigatedly evil. Life in the state of nature is solitary, poor, nasty, brutish, and short. In it there is no rule or distinction of right or wrong: no law or distinction of justice and injustice. Private property cannot exist, for property is a legal concept, distinct from possession, and means that one will receive public protection in the possession of what

one is, by law, allowed to have or to acquire. But in the state of nature, right is might. What one possesses is one's own only so long as one has the power to defend it. When another takes it, whether by force or guile, it becomes his to enjoy, and there is no redress. Rights are simply what one can obtain by the power of one's strong right arm. When a stronger comes, one's rights are at an end.

Natural right is a term that can be used only to indicate the liberty one has for one's own self-preservation. Yet this liberty itself is merely the power one possesses: in the natural condition the two are synonymous terms. It is liberty solely in the sense that there is no superior organized authority to restrain one. If others force one to do their will, there is no redress, though there is also no obligation to obey them if one is able to escape or to overcome them. As to natural law, that is simply the restraint one voluntarily imposes on some of one's desires, through the possession of a kind of reason based on calculating self-interest, for one's own preservation. Such a power exists in different men in varying degrees. It is in truth no law.

Nevertheless Hobbes does assume, perhaps without full warrant, that men in such a condition, lacking lasting happiness, sooner or later become aware of their own misery and seek an avenue of escape. They search for peace that they may enjoy what they have with less fear and less disturbance. Finally all agree that anything is better than such a precarious existence.

How is peace to be attained? Only one path is open, the abandonment of rights. That is, if men would gain security, they must agree to give up the power to use their varying faculties to the top of their bent and regardless of others. Yet manifestly no one would do this unless he were convinced that others would do likewise and unless he were further assured that there would be some superior power to enforce the bargain and to punish offenders.

Out of men's desire for peace comes the demand for, and finally the creation of Leviathan, the state, "that mortal god to which, under the supreme God, we owe our defense."

The next question then is, by what *method* is this state to be

brought about? Granted the desire for security and the recognition that rights must be surrendered to the state, how can such a surrender be made compatible with the safety that inspires and justifies it? Again Hobbes sees only one possibility: he uses the prevalent notion of the social contract, or compact, for his own ends.

It may here be noted that this device is both ingenious and cunning. At the time there were two general doctrines of political obligation that had wide currency. On the one hand there was the doctrine of the divine right of kings, the defense of absolutism by an appeal to heredity and to fate. It had been of considerable value in molding together nation-states under the leadership of individual rulers. Yet its usefulness was declining, while its intellectual respectability was rapidly on the wane. Against it had been arrayed a combination of natural rights and of the social contract. These had been used, and were to be used in the future, as the basis for the plea that the power of monarchs should be limited, first in the interests of groups dominantly religious, and then for the more obviously economic purposes of a growing middle class. Now Hobbes had a considerable love for monarchical government, apart from his intellectual conviction that a single hand could alone direct the state with certainty and rule with unchallenged security. Yet he was aware of the rising tide of opposition to absolutism and realized that divine right doctrine was already a broken reed on which to rely in stating the monarchical case. Moreover, that doctrine offered a defense only for legitimate rulers; and though Hobbes would have preferred to follow his king, he nevertheless felt that a well-established Protector was to be supported when the alternative was continued strife, with uncertainty as to who constituted the government and a loss of national prestige. Searching for an intellectually respectable doctrine to support his peculiar and difficult position, he found it in that very combination of concepts which had hitherto been the exclusive possession of those on the other side. Wrenching it from them, he turned it, by an amazing *tour de force*, to his own uses.

*The Consequence of the Contract:
the Sovereign State*

The contract was to be general and reciprocal, every man agreeing with every man to surrender completely his unrestricted natural power. This power was to be put together in one mass and given over to one man, or body of men, who was to be the ruler. Natural power, that is to say, was not to be lost. It was simply to be concentrated and delivered to an absolute ruler, or body of rulers, who would exercise it for the common welfare. Thus those who had been free to do as they pleased would now be subject to the orders of another, who would have the necessary force to execute his commands. No longer would all be equal. There would be one known and undisputed superior. Yet what was lost in freedom would be gained in security. This ruler would manifestly be unbound. His subjects would have no control over him and no rights against him, for he now possessed in his own person all that they had once had in the state of nature. Yet in and through him natural power was directed to common ends and had ceased to be anarchic. They must obey him unquestioningly, for to that they then had agreed. This was necessary if that superior power, which it was their very purpose to create, was to be effectively superior. The state assumes the rights surrendered by the individual.

It is just here that Hobbes gets into logical difficulties. The purpose of the contract is the gaining of individual safety. What, then, if the sovereign commands the individual to do things which endanger that safety, or endeavors to punish him for disobeying the orders that the sovereign has issued? Here Hobbes seemingly takes the position that the individual cannot be expected to destroy himself. Thus, if the sovereign puts him in the army and sends him to war, he may escape if he can. Similarly, should the sovereign send officers to arrest him, he may elude them, if he knows how. That is, in vital cases—and it is, of course, only in vital cases that the problem arises—the citizen still has all his old natural power or rights. He is normally

under an obligation, it is true, to observe his word as contained in the contract, though this gives rise to the nice question, how could anarchic individuals, without sense of honor, make a binding contract in the first place? They did so in terms of their own recognition of their long-term interest. They will then presumably observe it just so long as it continues to be in their interest to do so. Who is the judge of this interest? Manifestly the individuals concerned are alone competent judges thereof. But then they will obey only while it suits them, and they may judge that the sovereign is destroying the purpose of the contract by acts other than sending them to war or punishing them for crime.

Hobbes does not endeavor to solve this difficulty, and we might conclude that the Leviathan is still an anarchy, potentially if not actually. Yet the answer is clear: since the ruler by definition possesses all the power of all individuals, seldom indeed will it be in the interests of one particular and isolated individual to match his lone force against him. Hobbes's qualifications come to this: If, as an individual, you feel that the sovereign is destroying for you the very values to gain which you entered into the contract, you may, if you can, thwart his purpose and save yourself. But your chances of succeeding in such an enterprise are exceeding small. Hence you will normally suffer less by submission. Only where life itself is endangered is the game worth the candle.

This may be a sufficient answer to the individual criminal, since the mass of men, anxious for preservation and endangered by his activities, will normally support the ruler. As regards the conscripted soldier or the impressed sailor, it is less convincing. Certainly it would be an absurd principle to apply to a modern mass army, resulting, as it would, in widespread desertion and the almost inevitable failure of one's arms.

Perhaps a more vital and genuinely fundamental problem is raised by certain conflicts that appear with considerable frequency in times of peace. The individual criminal, as also the person who fails to observe his business and contractual obligations, is of little moment: the ruler may count on the self-interested support of the community against them. But what is the

situation when a whole group of people or a whole section feel that the ruler's orders deprive them of satisfaction essential to their continued happiness? Their resistance may be a much more serious threat to the state's effective power. To make a positive revolution and overthrow the existing government, with its command of armed forces, is indeed difficult. The wise ruler will normally be able, at least over a considerable period, to ferret out and suppress such threats to his existence before they have reached dangerous proportions, though it is to be noted that in doing this he is not fulfilling the purposes for which at least his opponents presumably contracted. What, however, if without any threat of revolution a large group in the population passively resists his orders? Once more, if he punishes them, he is for them destroying the purpose of the contract. But he may in any case find that he has not an effective force sufficient to carry out his command; or even that, with a view to his own long-term satisfaction and power, it is undesirable, however physically possible, to do so. Yet, if he permits nullification, he no longer holds that exclusive power which was surrendered to him.

We have, then, one of two situations: either, while the ruler is all-powerful, he must satisfy all, or else, without satisfying them, he must effectively suppress and punish the discontented and disobedient. Since he is himself unbound by the contract, he may legitimately do the latter. Yet because in so doing he is destroying for those subjects affected the purpose of the contract, they may resist. If one's given word does not compel one to risk death, it can hardly bind one to accept a meaningless or unbearable life. Now, when a considerable number of like-minded persons do resist, there may well be great disorder. Thus Hobbes, eager though he is for a security, actually opens a path and gives justification to continuous disturbance. This comes out the more clearly when we ask how the ruler, identified with the state, is to be recognized. Just as in the state of nature the individual's right equals his might, so the claims of Leviathan need be respected only in terms of its power. The ruler is nothing more than the force at his command. While he does rule, he has a right to rule. But if he is overthrown, he

has no longer any defensible claim to his position. "When a stronger than he cometh, his power is at an end"—and that is all. "Nothing succeeds like success" and "to the victor belong the spoils."

*The Nature of Sovereignty and the
Powers of the Sovereign*

The party to whom the power is conceded by the contract, whether individual or group, is, then, possessed of sovereignty. What is sovereignty? For Hobbes it is simply that power to will for all which takes the place of each willing for himself. Yet, as we have seen, the ruler only has a right to rule while he is able by force to do so. Sovereignty is *de facto*, actual unlimited power, not *de jure*, formal legal superiority.

Hobbes tries to combine the realism of Machiavelli with the legalistic terminology of Bodin. What he really does is to use the language of the latter for his own purposes. Bodin had developed the doctrine of sovereignty for the security and centralization of the French state, and, because he was a trained lawyer, his was essentially the logic of the law applied to a France disturbed by religious dissension. He had been peculiarly anxious for the safety of the succession to the throne and had consequently insisted, if not on divine right, then at least on the legal rules of succession. Hobbes, on the other hand, while anxious for order in England, feels that to put forward a theory which encourages revolt against an established ruler, even though no royal blood flows in his veins, is essentially disorderly. While he does not love the Commonwealth, he is willing to accept the *fait accompli* and is unwilling to encourage those who look for a Restoration.

That Restoration, it is true, came. Hobbes welcomed it, and for a time was welcome in it, though before long he suffered from the exercise of those very sovereign powers he had himself urged as necessary and right. The Stuart use of authority again produced discontent, however, and, even if the Revolution of 1688 was bloodless, the fact that the practice of unpopular absolutism led to it suggested that the Hobbesian theory of

unlimited sovereignty was scarcely a sure guarantee of undisturbed order. Nevertheless the condition of English politics after the Stuarts had finally been expelled indicates that Hobbes's position may not have been entirely unwarranted.

Yet the doctrine that one should support the ruler, whosoever he may be, is not very useful if at the same time one admits that his rule is justified ultimately in terms of the power at his command, and that any man who succeeds in overthrowing him and setting up a stable government is himself the heir to the rights of sovereignty. For this surely is to give aid and comfort to such dangerous leaders as may gain sufficient support to make their success at least highly possible. It has been on the very grounds that they have put an end to regimes lacking effective power, *de facto* sovereignty, and that they have commanded adequate force to ensure order that contemporary dictators have justified their taking over the machinery of the state by violent means and their suppression of opponents. Whether the order they have established has really served their subjects by delivering the latter from the insecurity of a *bellum omnium contra omnes* seems somewhat questionable.

It is necessary to analyze a little further what is the nature of sovereignty. Since the sovereign is possessed of the right to will for all, there can be no rights in the hands of the minority. Conformity becomes a citizen's duty. No opposition has any claim to have its views respected, or even any right to exist. Indeed the sovereign, being possessed of all power, must exterminate opposition. Yet, if opposition succeeds in overthrowing the sovereign, supreme power falls into its hands. Similarly the sovereign has full rights of punishment, and none can complain of the penalties he inflicts, however numerous or severe. For punishment is the revenge of society on those who break the contract. Any disobedience or opposition is a breach of the contract, since the sovereign has been granted the right and given the power to will for all. Further, there can be no right to call the sovereign to account. The contract takes place at one moment with all men voluntarily giving to him unlimited power. It is then impossible for them to have a will different from his will; and it would be unfair of them, having brought

him into existence for their well-being, and given him such power because they feared themselves, to punish him for what he judged necessary for the common well-being. Men in the state live in a condition of permanent tutelage, with the sovereign as the sole guardian.

Yet while they can have no legal protection against him, they may overthrow him, if they can. This is surely a curious position for one who desires absolute order. For, since no redress is given by any constitutional protection within the ordered scheme of the state, the only possible defense against despotism, the only redress for grievances, is successful revolution. Hobbes, of course, believed that no suffering could be as great as that of men in the state of nature. Hence they would be prepared to endure the harshest treatment; and this attitude would be reinforced when they saw how great was the force at the sovereign's command and how slight were the chances of escape.

This was surely poor psychology. If conditions become so bad that men cannot achieve even a modicum of well-being, if a yet worse existence is beyond their imagination, they may well rebel, however slight their hopes of success. Moreover, the state of nature was not an actually historical condition, and men have always lived under some form of social organization. In any case, once they have learned the arts of coöperation under a sovereign, a return to such a supposed condition of anarchic individualism was psychologically unlikely. Revolutions are dangerous and their outcome is ever unpredictable. But historical experience suggests that, despite a probable period of disorder during their course, men will finally return to a more or less orderly existence. Whether, granted success, the new order will be better is manifestly unpredictable. But situations may arise when it can scarcely be worse. Failure may lead to death at the hands of the successful sovereign; but, despite the acknowledged longing for continued existence in the normal course of affairs, men may again feel that their extermination is a happy release, or at least that the promised land of their roseate vision fully justifies the risk thereof.

The next question is, what are the functions of the sovereign? Hobbes's listing is partly intended as an insurance against the

dangers we have outlined. The sovereign must pass judgment on the opinions to be expressed in his realm. For conflicting opinions, when allowed free expression, encourage dissension; and dissension leads to breaches of the peace. These lessen the effective carrying out of the very purpose for which Leviathan was created, while ultimately they are a threat to the sovereign's continued existence. Here the first question is whether one can successfully and permanently suppress ideas, at least when they are expressions of material and economic need widely felt. An individual ruler may indeed succeed in so doing for the course of his life: however ignoble, *après moi le déluge* is not quite as foolish as it has sometimes been made to appear, though one may well ask whether so nice a calculation of the duration of power, so perfect a prediction of the psychological moment, is normally possible. Be that as it may, Hobbes is not avowedly concerned with the passing moment. He desires lasting, not temporary, security. To attain this such a policy is decidedly poor.

More fundamentally, however, we may criticize Hobbes in terms of his view of the ends of existence. While men may not consciously and uninterruptedly pursue the good life as the Greek philosophers conceived of it, they do in general desire something more than the continuation of a bare existence. They may fear destruction, but they can also conceive of, and pursue, betterment.

Secondly, the sovereign is the creator of property. What was in the natural condition mere possession is now through the collective power of society lodged in the ruler, secured to a man without danger of seizure by his fellows. That is to say, a system of legal property rights, of contractual obligations and of public protection against thieves is set up. Hobbes presumably infers that men will now have material well-being, and, perceiving their improved condition, will readily submit to a sovereign. Yet the sovereign necessarily has full power over his own creation. He may grant protection to property, but he can himself change the rules, and may take it away when he sees fit. Here, of course, Hobbes's primary concern is with the right of taxation. The sovereign manifestly cannot fulfill his

functions or effectively exercise power unless he has at his command money, the sinews of peace as of war. Nor will that power be secure unless in times of need and emergency he can arbitrarily raise the necessary funds for his purposes.

Here Hobbes shows an unconscious but real class bias. The protection of property was no doubt the prime concern of the wealthy, who would be not unwilling to pay for the safety of their privileged possessions; but what of those who had no property and whom the sovereign might give no right or opportunity to acquire it? What, too, if the sovereign excessively taxed the prosperous themselves for his own private purposes and against the interests of the commonweal? This after all was not improbable: the Stuarts both before and after the Commonwealth ran into difficulties through just such behavior. Finally, what if the burden of taxes should be laid upon the productive activities of the country and should deprive the mass of workers of the product of their labor? France was already beginning to suffer that ruinous burden whose cumulative distress was finally to play no small part in the making of the Revolution.

Closely connected with this was Hobbes's doctrine that the relations of men were for the sovereign to determine. He could, that is to say, impose whatever social system of class and group relations he might desire, and men were again bound to observe his rules. He was to be the source of honor and could bestow titles and grants at his own sweet pleasure. Yet such powers might surely be so used as to produce resentment. Certainly it is unlikely that the mass of the unprivileged or underprivileged would look on such procedures with a tolerant eye or would feel that the contract had been entirely profitable to them. Whether desirable or undesirable, it seems true that social development has in the course of centuries put a premium on guile and brains and lessened the relative importance of strength and muscle. This result has been achieved largely by the development of increasingly complicated legal systems, concerned to a considerable degree with property rights.

In the sovereign's hands also is centered the judicial power, and he alone controls the courts and access thereto. As for Bacon, so for Hobbes, judges are but lions under the throne.

This was a deliberate attack upon that doctrine of judicial independence which men like Coke so firmly championed. It opened the way to arbitrariness and removed any possible protection of the citizen against his sovereign. Yet in terms of Hobbes's premises, it was undoubtedly necessary. According to his theory, the sovereign has concentrated in him full executive, judicial, and legislative power. There may be a separation of functions for convenience, but there is no separation of powers, no system of checks and balances. For it need hardly be remarked that the sovereign has the exclusive power to make laws.

Indeed, while all the powers enumerated must be in his hands, this exclusive right to legislate is the chief, the one by which he is most readily recognized, without which the rest would have no value. What are laws? They are simply acts of will on the part of the sovereign. That will is free and uncontrolled. What the ruler wills has the force of law. Hobbes omits the qualifications with which Roman lawyers carefully, if nominally, hedged that imperial doctrine. If the nature of law is will, its purpose is control—control over the evil nature of men. These become simply subjects to be ruled. Law is a command. The sovereign, being absolute, is necessarily unbound thereby. His subjects, on the other hand, have an incontrovertible duty to obey what he has ordered.

This is the very essence of the doctrine of sovereignty. It was to be developed by subsequent legal thinkers of the analytical school, particularly by Austin.¹ It makes law such, simply in terms of its source, without regard to the function which law is to perform or to the justice or wisdom of particular laws. The whole idea that law is to be measured by ethical norms is rejected. Law is entirely divorced from ethics, as well as from the social setting in which it has to function. Yet this doctrine became the dominant theory of a subsequent period and a defense of the nation-state, both against its citizens and

¹ John Austin was an English legal philosopher of the early nineteenth century. A disciple and ally of Bentham and the Utilitarians, he gave to their philosophy, and particularly to their stress on the importance of predictability by the citizen of governmental action and their emphasis on order as necessary for effective calculation, a formal and legalistic emphasis.

vis-à-vis other nations. It was largely responsible for the idea that man's prime duty as a citizen is unquestioning obedience to any law. Not only internally, but in the external international relations of states, it was to do infinite damage, for it denied the possibility of superior international authority and insisted that the sovereign state was beyond the reach of judgment. The latter alone could determine what were its interests in its dealings with other peoples. Indeed Hobbes himself had implied this, in stating that the sovereign had the full power of keeping peace or of making war. With him it meant not simply that the sovereign, as the protector of his subjects' interests, must conduct all dealings with foreign nations, but also that it was in his exclusive power, without consultation of the desires of his people, to form and execute a foreign policy. Certain democracies subsequently adopted this idea.

Before leaving this topic of law, we may observe that Hobbes suggested that it was practically desirable for the sovereign not to make too many laws. He realized what we are too apt to forget: an infinite multiplication of legal regulations may make the task of obedience impossible even with the best will in the world; while it tends to lessen the feeling of respect for laws by lessening their solemnity and awe-inspiring character. To avoid misleading, we must point out that then society was much more simple, particularly in its economic aspect, that there was less need for regulation than at the present day.

The Forms and Organs of Government

From sovereignty Hobbes turns to the practical workings and structure of government. There are three possible forms of government: government by one, by a few, and by many. But there can be no mixture of these forms: to mix them would in fact be to set up a system of checks and balances and to divide sovereignty. If sovereignty involves complete power and works through acts of will, it manifestly must be undivided. Absolute power is logically impossible if there are potentially conflicting, and in any case different, elements exercising power. The sovereign must will as one. Ideally, monarchy, the rule

of one, is the best form to attain the end of the state, which is security. While it is possible for an aristocratic or a democratic government to express a united single will, the chances of dissension are greater, and dissension may finally lead to strife, with the destruction of the sovereign and the dissipation of power. Here again Hobbes's argument is essentially that of modern dictators and would-be dictators, with their denunciations of the multitude of conflicting opinions expressed in parliaments and the resulting weakening of the prestige and power of the latter. It appears in a more sympathetic guise in the condemnation of five-to-four decisions by the Supreme Court as tending to weaken the prestige of our constitutional system—a criticism said to be felt and feared by the present Chief Justice. Nevertheless, whichever form of government chances at any moment to exist has, according to Hobbes, the same functions and the same powers: it is only the probability of effective performances that varies.

As to the organs of government, that is, the different servants and departments through which the state's functions are carried out, they are no more than agencies, subordinate to the sovereign, and existing solely for the convenience of the latter. They are, as it were, the limbs of an organism, with the sovereign the directing brain, although Hobbes does not make use of the analogy. As to law, it is of different kinds. This, again, is an arrangement of convenience and has nothing to do with the relative authority of the law. Conflicts arising in the application of law are solved by the sovereign, the sole interpreter of what law is. Judge-made case law exists and is applied merely by the sovereign's will and subject to change by him. Similarly, too, custom is law only by the will of the sovereign. No law of nature in the usual sense is superior to him, and the customs of the realm mean nothing if he dissents. The law of God would indeed be superior were it known, but men interpret it individually and differently. Therefore it has to be treated as though it were unknown, and perhaps unknowable. Certainly it cannot be thought a limitation on the ruler's power.

Hobbes thus rejects all those doctrines of higher law that

medieval theorists had so painstakingly developed, and to which even Bodin had paid a nominal respect. Nothing must stand in the way of absolutism. Hobbes probably agreed with Bodin that certain actions on the part of the sovereign would be unwise, might lessen the esteem in which he was held, and might even weaken his power, thus threatening his security. But this was all a matter of expedience on the part of the sovereign. It had nothing to do with the rights of the people. Hobbes doubtless assumed, however, that any sovereign would show some respect for the *mores*, the ancient and established ways. Indeed, in view of the experience of the first two Stuarts, this might be assumed to be necessary for the retention of power, for *de facto* sovereignty. Yet this limitation on the exercise of sovereign authority was but auto-limitation, bounds set by the ruler's own common sense. The application of such authority was a trial-and-error process, aided by judgment, and with loss of sovereignty the punishment for excessive error.

Hobbes's Theory of Liberty

Had the subject, then, no liberty whatsoever? Hobbes answers that they may have certain liberties, but only on sufferance. They have no right to liberty; nor can they complain if the particular liberties which they chance to exercise at any one moment are diminished or removed. For liberty is simply absence of restraint on will, and this by definition pertains only to the sovereign. He may will freely, but others are free to will only in spheres where he permits. Liberty for the subject is liberty under law. This does not mean that the subject has a series of liberties guaranteed by law, the sense in which the phrase was later to be used. Liberty is simply what is not at the moment forbidden. If some sphere of activity is not covered by any law, the subject here retains his natural rights or powers. He may will as he likes and do as he likes in the matter, unless and until the sovereign himself decides to exercise his will thereon, that is, to make a law covering the situation. Yet we have already noted that Hobbes allows citizens to protect themselves against destruction by the sovereign. In dealing

with liberty he repeats this, stating that men retain liberty to those things which, by the nature of the contract, cannot be given up. On this we have already commented at sufficient length.

As there is no liberty for individuals, so there is no liberty for groups. Indeed Hobbes denies the very right of groups to exist at all as separate bodies not dependent on the state for their being. In the state itself there can clearly be no intermediate authorities with legislative power of their own, since that would divide sovereignty. Similarly within the territory of the state there cannot exist independent, non-governmental corporations with a life of their own. For this would also divide sovereignty. Yet groups may exist and function by the permission of the state. Corporate bodies are not self-creating, and men may not join them unless they are approved, at least tacitly, by the state, since this would involve potential division in allegiance. Hobbes accepts the concession theory of corporations of the Roman lawyers. As a matter of policy he goes far beyond it in imposing restrictions, holding that the sovereign ought not to allow any organized group, at least of a political or potentially political nature, to exist. Man must stand before the maker of his social existence naked and alone. He must form no attachments that might weaken his loyalty, distract his attention, or lessen his service to the one being to whom, God apart, he owes his welfare and indeed his continued existence. Hobbes pungently compares corporations in the state to worms in the bowels of a natural man. Both are parasites and both weaken the organism that harbors them.

In Hobbes's time the chief corporate groups were of course churches; and Hobbes writes with them in mind. But he is not content with so general a discussion. He devotes a considerable, and what would seem to one living today a disproportionate, part of the *Leviathan* to an examination of the specific problem of the relations of church and state. Against Rome he is particularly bitter. The Roman Church is dangerous, if decayed; and a scheming papacy, anxious to restore its power and prestige, forever plots against the sovereigns of reformed lands. He shares that conviction, so widespread in England

over some two centuries, that a good Catholic is a poor citizen. For the Catholic's primary allegiance is to his church and, should a conflict between the commands of the two arise, or should the Pope encourage a ruler of his own faith to attack the country, the Catholic will disobey, resist, and even plot against his rightful lord. This may seem to us somewhat extravagant; though it is to be recalled that in the Smith campaign of 1928 not entirely dissimilar arguments were used with far less cause, but with no slight effectiveness.

In England in Hobbes's time, the danger appeared far greater. The Armada, happily defeated by the weather and the navy, had sent shivers down men's spines, and its memory was not yet dead. It was, of course, conveniently forgotten that the English Admiral at that time, Lord Howard of Effingham, had been a Catholic. The persecutions of 'Bloody Mary' had made a profound impression and had imbued the majority of Englishmen with a stubborn determination that never again should a Catholic sit upon the throne, although they were briefly to tolerate government by James II. All through the succeeding period, there were recurrent alarms, whispers, and revelations of Popish plots. The fear may have been hysterical; but with the Counter-Reformation Jesuits, subtle, devoted, and not averse to martyrdom, did penetrate into England and indulge in conspiracy, or what might be construed as such.

While Hobbes particularly disliked the Catholic Church, he had no great respect or fondness for any of the sects that flourished, not because he found their theology mistaken, but just because, being sects, they were a disintegrating, rather than a unifying, influence. He cared not a straw what theological views prevailed. He was concerned only that there should not be more than one religious organization publicly functioning within the state. This should be the organization decided upon by the sovereign. The command of the sovereign not only makes law: it also makes the church. The church is to be simply a state department like any other. Even if there were but one church, that church would, given independence, sooner or later destroy the state. There must be a church, but the sovereign is necessarily its supreme pontiff. Hobbes fully ap-

proved the work of Henry VIII. Yet in all this he is concerned solely with organization and with outward worship. To him temporal government alone has real existence, and all is to be subordinated to its demands. He is not intolerant of belief, and indeed argues that it is expedient to tolerate any religious point of view provided it is personal and private. He would not have cared very greatly, though for tactical reasons he makes formal profession of his Christian beliefs, had a man chosen to worship Baal. He must not, however, be allowed to pay his devotions even to the Christian God in the company of his fellows if his method and practice of worship be different from that approved and established by the sovereign.

The Difficulties of Hobbes's Position

This completes our account of the development and exposition of Hobbes's political philosophy. It remains but to add a few comments and sum up our conclusions. Hobbes's entire effort was directed to the creation of the state and to ensuring that, when created, it would safely survive. Whether he believed that the state of nature he portrayed had ever existed, even in its general outlines, is by no means a clear question. It seems, however, that he used the concept rather as an hypothesis which would allow of the development of a logical theory culminating in the institutional set-up he desired than as a literal description or an historical generalization.

The state of nature was also a convenient framework around which to build his psychological insights, a method for the exposition of his not too generous views about his fellows. Nevertheless, if it proved useful for his purpose, it also posed his problem in a false manner, so that no satisfactory and logically air-tight solution could be arrived at. The antithesis between a world of discrete individuals and a completely regimented society is essentially mistaken, and such a philosophy of all or nothing is untrue as a picture of the realities of man's existence on earth. The problem of order and anarchy, of authority and liberty, is one of degree; and no permanently useful philosophy can arise by conceiving of social existence in

terms of antithetical absolutes. The social contract idea may have been a necessity to men who had no knowledge of anthropology, of the variety of types of social and political organization prevailing among primitive peoples, and of the different ways in which governmental institutions originated and developed among them. Lacking such knowledge, they had, nevertheless, to supply an alternative explanation for the beginnings of government to take the place of divine right doctrine. But however intelligible in terms of its contemporary setting and however long-lived in its influence, the social compact was unfortunate in its tendency to prevent realistic analysis of the complicated requirements of social life and of the various reasons for which men support the state.

Hobbes, following Machiavelli, may be a realist in his analysis of the human being and of his motives. Certainly he could be called scientific in his attempt to avoid metaphysical notions and in his economy of hypothesis. It is this which has given him his great influence and made him, even more than Machiavelli, a precursor and founder, first of the Utilitarians, and then of the latter schools devoted to a pragmatic inquiry into human motivation. Yet he, no less than Machiavelli, has a mistaken concept of the nature of the human animal, and one perhaps yet more harmful because of the very rigidity of his thought. He is singularly unaware of the importance of those elements in man's life which, if they are not necessary to sustain life, are nevertheless vital and alone give meaning to what would otherwise be somewhat purposeless activity. He stresses unduly the horrors of struggle and the eagerness for survival as such, while neglecting those elements which make survival either desirable or significant. Men may be creatures of their emotions; but their emotions go far beyond an eagerness to enjoy or to gain merely material goods.

It follows then that the state created by Hobbes is similarly inadequate. For its sole purpose is to assure safety in acquisition and enjoyment, and it has no positive or cultural functions. Its task begins and ends with the application of force to prevent disturbances of the peace. This is doubtless a not unimportant task, and to gain even that protection against the vicissitudes

of fortune was the work of several centuries. Yet, as the Greeks long ago recognized, the state is an organization for promoting happiness in a positive way, for aiding in the fulfillment, not of one, but of all, of men's desires. In his rejection of such a view Hobbes is once more the precursor of the Utilitarians: the doctrine of *laissez-faire*, as well as associationist hedonism, is embedded in his teaching, though for the first anticipation he rarely receives credit. While, however, his state, unlike that of the Utilitarians, is undemocratic, it is, like theirs, essentially the policeman state, even though the policeman be not passive.

Thirdly, as we have already noted, legal omnipotence, however pleasing as an intellectual concept, is not possible in actual practice. The diversity of human beings and the differences in their aims may necessitate some authority to avoid extreme confusion. At the same time it makes the problem of politics a problem in nice adjustment, in the balancing and weighing of forces, in that whole art of delicate and difficult compromise that fascinates the wire-puller and distresses the reformer. Success in government is not lastingly possible when those in power, convinced of their exclusive rightness, are unwilling to modify or deviate from their doctrinaire plans, as even dictators have come to recognize. One may enjoy the prestige and very real power of an unchallenged supremacy only while one is prepared to admit the claims of others. It may not be either practical or necessary to satisfy all groups and all individuals all the time. But it is even less possible to ignore than to deceive all of the people all of the time.

Lastly it should be pointed out that in the state, and particularly as conditions grow more complex, law is at once something more and something less than a command. By making words bear meanings that do not naturally attach to them, Hobbes's position may, it is true, be defended. Yet a good deal of law is regulative and is intended to create conditions rather than to give orders—to facilitate the business of life, not to insist on men's subjection to political authority.

On the other hand, law as a command with a sanction has to function against a specific background of customs and attitudes, which severely limits what may be commanded with any hope

that the command will be voluntarily obeyed, or even with any chance of regularly and uniformly enforcing it where willing subjection is not forthcoming.

Putting all this somewhat differently, Hobbes's whole doctrine of sovereignty posits a practical impossibility in a world of living men with wills of their own. It is the old conundrum of the irresistible force and the immovable object. Government may be omnipotent, but only provided it refuses to exercise its omnipotence. If it behaves so as to get a sufficient degree of consent to be able to put down opponents, it will, of course, continue to be government. If on the other hand it insists on thoroughly outraging all the feelings of all of the groups which might support it, it will rapidly cease to be government.

The practical problems of politics normally emerge within these limits and give rise to the questions, how much consent, and what sort of consent, are requisite? Men do have diverse loyalties, and they will not give up all their desires and allegiances simply because authority tells them to do so. This is peculiarly true in problems of religion, with which Hobbes was largely concerned. A government may be able to forbid certain religious groups and to deny civil rights to others. But, as the Politiques had discovered, it does so at its peril, weakening the degree of consent it does achieve and thereby in the long run weakening itself. That oppression and extermination may at times succeed is, of course, true. But the state is not thereby enabled to will precisely what those in command like, when what they like goes contrary to the wishes of groups whose support is necessary if law is to be made effective.

This whole difficulty is further illustrated by Hobbes's treatment of liberty. Practically, indeed, he doubtless desired that the subjects generally, and probably even some organized groups, should enjoy a certain degree thereof. In theory, however, it was for the state to decide precisely what those liberties should be; and Hobbes, while he suggested the need for wisdom on the part of governors, set no theoretical limits to the latter's power. Liberty was what was not taken away; but there was no sort of guarantee that it would not be taken away, and the citizen had no right to protest if it were. In one sense, indeed, he

remained free, even though it were taken away, for, from a psychological viewpoint, liberty was simply absence of restraint on choice, or to put it positively, freedom of the will, and of this no one could be deprived.

Such a statement, however, is of no value from a political viewpoint, since what is there important are the conditions in terms of which one's choices will be made. The real problem that Hobbes evaded was the ethical problem, the problem of the basis for distinction in terms of principle between those matters where freedom for the individual is uniformly compatible with social well-being and those where it is not. That he was doubtless driven to his position by his fear that in disorderly times situations might arise in which any conceivable liberty would be socially dangerous to the preservation or the acquisition of a minimum of order does not alter this essential inadequacy in him.

*Hobbes's Influence, Immediate and
in the Long Run*

A brief statement of the influence of Hobbes may not be without its use. During his lifetime, he was subject, at least in England, to bitter attacks, particularly at the hands of churchmen, who saw in his onslaught on divine right, his defense of force, and his basic materialism the stigmata of the atheist. On the continent, however, his influence was considerable and immediate, while in England itself his ideas, even when derided, were not without effect on political speculation. In Holland Benedict Spinoza (1632-1677) shared certain of Hobbes's political ideas, but, differing greatly from the latter in metaphysics and ethics, developed them to reach quite other conclusions. Spinoza agreed that self-interest was man's basic motivation and self-preservation his prime objective. That self-interest was, however, enlightened and rational, not utterly shortsighted and based on simple physiological urges. Hence men created the state as a positive instrument for good, not to avoid evil and escape haunting fear. The state promoted and protected their liberty and gave them rights, which were social, not

natural in the Hobbesian sense. Politics was indeed a matter of power; but the state, which should be governed in a somewhat democratic way, was the repository of the collective power of its members organized and directed for the attainment by coöperation of ends impossible for isolated beings. It was not power handed over to an absolute sovereign that he might repress the anarchic drives of beings who lacked any will to cooperate. Thus Spinoza took Hobbes's doctrines, but used them to demonstrate the possibility and desirability of the popular welfare state, to prove that the repressive authority of the policeman was not the sole alternative to chaos.

The most obvious influence of Hobbes was, however, on the Utilitarians, on Bentham and his disciples. The psychology of Associationist Hedonism is essentially the psychology of Hobbes, but developed on the assumption that men are more rational than Hobbes believed them, and the whole Benthamite theory of politics is at bottom an attempt to combine the Hobbesian stress on order with a rational and socially useful liberty on the part of unregimented individuals. Their doctrine is, in fact, Hobbes's policeman state used for the attainment of Spinoza's social ends. The doctrine of the sovereignty of parliament, and indeed the whole of the Austinian jurisprudence, is Hobbes legalized and democratized. Parallel with this is the classical economics: the economic man is Hobbes's natural man functioning in the economic sphere, and civilized by the mysterious hidden hand so dear to Adam Smith. On the continent Rousseau's social contract with its state dominated by the general will is yet another democratization of Hobbes. In a different direction Hobbes provides the basis of that materialism which, developed through Holbach, became ultimately, when combined with an inversion of Hegelian dialectic that itself derived through Rousseau, the dialectical materialism of Marx.

In America, also, Hobbes was to have his influence. At the time of the Revolution a Tory lawyer of Massachusetts, Daniel Leonard, avowedly made the theories of Hobbes, expounded in *Leviathan*, the basis of his attack on the colonial cause as defended by Otis and Adams, and of his own justification of England's right to govern America as the former saw fit. Leonard's views,

however, are of little interest save to curious investigators of lost causes. More important, if also less direct and obvious, is the Hobbesian influence on the early Federalists. Certainly the philosophy of Alexander Hamilton, whatever its precise intellectual sources, expresses clearly the Hobbesian demand for order brought about by a strong state. Nor is it without relevance that, just as Hobbes wrote of an England disturbed by civil war and religious conflict, so Hamilton was concerned with the fortunes of a country which had just emerged from exhausting war, was in a state bordering on anarchy under the Articles of Confederation, and was deeply disturbed by the no less fundamental conflict of economic groups.

In more recent times, the influence of Hobbes is difficult to disentangle, since it is mixed up with the influence of later thinkers, among whom some, but not all, themselves derive from him. In the realm of psychology, indeed, the Behaviorists have essentially developed Hobbes's doctrines of man as an animal responding directly in terms of appetite and aversion to stimuli in the environment. With him they have, that is to say, insisted on man's fundamentally non-rational character. Yet at the same time they have stressed more than he did the potential effects of environmental conditioning, and share with Locke and the *philosophes* who followed him a faith in the possibility of social amelioration by education, though their reasons are manifestly different. The political implications of their position are not, however, perfectly clear and have not been fully worked out.

In the realm of political thought proper, the advocates of sovereignty and of the sanctity of law and order may in a general way claim Hobbes as ancestor, while the defenders and partisans of the totalitarian philosophy not less clearly are, on a long view, in his debt. With the latter, as well as with Hamilton, in mind it might perhaps be suggested that Hobbesian doctrines are apt to be advanced in times of crisis when anarchy is feared and the first necessity appears to be the preservation of order. If this is true, it suggests interesting reflections as to the degree and manner in which political philosophers may be said to influence subsequent theory and practice.

Bibliographical Note

Ch. II of Gooch's *Political Thought in England from Bacon to Halifax* is a brief, but good, discussion of Hobbes's theories. A short analysis is also contained in an essay by E. L. Woodward in Hearnshaw, *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries*, where also may be found a worthwhile essay on Spinoza by A. D. Lindsay. A more lengthy account thereof, sound but somewhat pedestrian, is to be found in W. Graham, *English Political Philosophy from Hobbes to Maine*. H. R. Lord's *The Principles of Politics*, which analyzes dominant trends in seventeenth and eighteenth century thought topically and critically, has much that is valuable on Hobbes's ideas, particularly of the contract and of sovereignty. C. E. Vaughan's *Studies in the History of Political Philosophy*, of which the first volume is devoted mainly to social contract theories, contains in Ch. II thereof a good analysis of this aspect of Hobbes's thought. For a criticism of Hobbes's theory of political obligation, as devastating as it is short, the student should consult E. F. Carritt's *Morals and Politics*.

Of books on Hobbes, G. E. G. Catlin's *Thomas Hobbes as Philosopher* is a short introductory sketch by an admirer and disciple of the philosopher of Malmesbury. Larger works are Sir L. Stephen's *Hobbes* in the "English Men of Letters" series—an excellent work, and G. C. Robertson's *Thomas Hobbes*, a very valuable biography. Hobbes's *Leviathan* itself is readily obtainable in the "Everyman" series. His other works are less available, though F. Tönnies, a distinguished German student of Hobbes, has had printed his *Elements of Law*. The great edition, however, is that of Molesworth (16 volumes), which includes both the English and the Latin works. *Leviathan*, it might be added, contains some of the most forceful prose to be found in political philosophy, and the student would be well advised to read at least considerable parts of it.

CHAPTER XIX

Locke: Constitutionalism in the Interests of Property

Locke's Life and the Triumph of the Middle Class

JOHN LOCKE (1632-1704) was the son of middle class parents. His father, who had on him a great influence, was a strict Puritan who had fought in the Civil War. Locke himself was educated first at Westminster School and then at Christ Church, Oxford, where he later served as a tutor. At the time Oxford was feeling the influence of Puritanism, though it was soon to return to its extreme royalism and to all the ways of orthodoxy. Locke's intellectual interests were very wide, embracing the humanities, philosophy, and the social studies, as well as the pure sciences, which in his day were undergoing a great development. He was also interested in problems of theology and might have entered the ministry but that he found the Anglican Church somewhat narrow. Instead he became a doctor and formed associations with some of the leading scientific men of the day. Yet more significant was his friendship with Lord Ashley, the founder of the Whig party, whose secretary he became. He held the position for some fifteen years.

It was during these years that his earlier works were published, and it is interesting to note that the first of them were concerned with such problems as freedom of expression and of religious belief and with the relation of church and state. Locke's peaceful pursuit of his studies and the intellectual circle that he had formed were alike broken when Ashley, who had meanwhile become first Earl of Shaftesbury, fell into disgrace.

Locke went abroad to France, where he speedily made the acquaintance of leading thinkers on the continent. After a few years he was able to return to England and to his former employer, though only for a short time, since Shaftesbury was committed to the Tower and Locke himself fell under suspicion. This time he fled to Holland, that asylum of exiles, where he remained some five years. There he spent his time writing and sharing the society of other political refugees. He made the acquaintance of William of Orange, and returned to England shortly after the latter had accepted the British throne. On his return he received a minor office in the government, which he held for some years.

Meanwhile he had attained a European reputation, particularly with the *Essay Concerning Human Understanding*, which appeared in 1690. It had been preceded by the first of his *Letters on Toleration* (1685), as well as by his chief political work, the *Two Treatises on Civil Government* (1690). He found himself, however, somewhat less than satisfied with the course of events under the new regime and retired to the country. His last years were taken up with a variety of controversies, which led to the production of works on economics, education, and religion, some of which appeared posthumously. With old age he became increasingly interested in theological problems, having surrendered in 1700 his office as Commissioner of the Board of Trade, which he had accepted a few years previously.

In politics Locke was essentially a moderate. Where Hobbes, in his interest to preserve order and with some prejudice in favor of the Stuart monarchy, had defended absolutism, Locke was no less anxious to ensure constitutional government. He disapproved deeply of the policies of the Restoration monarchy, and in particular objected to the religious policy of James II. He heartily endorsed the work of the Convention Parliament, but was troubled lest the new House of Orange become unduly powerful. He was the philosopher of parliamentary government and of democracy, championing the Bloodless Revolution of 1688, the claims of Protestant dissent, and the right of men of substance to rule. Indeed, it was the latter theme that was



John Locke

the most significant part of his theory, for if he defended cautiously the right of revolution and proclaimed the necessity for consent, he did so because he was anxious to establish the rights of property and to protect the interests of a middle class of traders and land-owners against the power of a king and his court. In a sense, indeed, it may be said that his doctrines came closest to realization when the alien House of Hanover, by giving England foreign-speaking kings, left affairs in the hands of an aristocratic group, which ruled by a prerogative of its own.

Locke in essence continued and gave voice to the outlook of the more substantial and conservative of those who had once supported Cromwell's Commonwealth, as against cavaliers and king's friends on the one hand, and the radical sects on the other. He is, that is to say, a Whig. He has no sympathy with the obscurantism of the Restoration, with its doctrine of divine right, nor yet with the Established Church, whose bishops so unquestioningly supported a monarch far from Christian in his private life or public acts. On the other hand, while he advocates tolerance for non-conformists, he is uninterested in the wider issues of social justice. He speaks for men of substance, men with interests, not for the disinherited. Yet, if it is this class interest that directly informs his political philosophy, one must no more forget in his case than in that of Hobbes the general philosophy that lay behind it. Locke was, after all, a leader and founder of the empirical school of British philosophy, and a precursor of the Age of Reason. Doubtless his stress on man's rationality, as well as his celebrated doctrine of the mind, blank at birth and formed by experience, the *tabula rasa*, was very useful to one who wished to insist on the doctrine of political equality, even though it was harder to reconcile with economic inequality. Yet his views as to the nature of the human animal were not worked out with the deliberate idea that they would be the most useful for the defense of his political position, and in both his political and his pure philosophy he was essentially trying to apply the brilliantly successful methods and approach of Newton to the still inchoate sphere of social studies. That the *Essay Concerning Human Understanding* was not unconnected with his political work will be seen in what follows.

His political ideas are contained, as above noted, in the *Two Treatises on Civil Government* and in his *Letters on Toleration*. The first of these two treatises does not greatly concern us here. In it Locke's essential aim was to demolish the Hobbesian position, the defense of absolutism. Yet for some reason he does not tackle Hobbes directly, something greatly to be regretted, since Hobbes was a worthy antagonist; and it would have been interesting to see how Locke would have dealt with the problem, and particularly how he would have treated Hobbes's psychology. Hobbes, however, was in bad odor, and his ideas suffered unpopularity largely because he was deemed an immoral atheist. The Restoration had preferred to get its philosophy from that distinguished knight, Sir Robert Filmer, who had defended the divine right of kings on the basis of a combination of legitimate inheritance and natural paternal authority. Accordingly Locke devotes the whole of the first treatise to a devastating criticism of Filmer's *Patriarcha*.

The latter work was not so absurd as Locke tried to make it appear. We need not, however, devote any time to his criticism, since the whole issue is now dead, while his object was simply to clear away certain débris that he might lay a new foundation. Having adequately disposed of the contention that the British monarchy was directly descended from David, and even from Adam, and having also shown to his own satisfaction that the authority of the father was not a justification of the power of a king, he begins his positive construction with a discussion of the state of nature.

*Locke's Concept of the State of
Nature and of Rights*

His view of that state differs vitally from that of Hobbes. It was a pre-political, and not a pre-social, state, in which men lived in peace and happiness with their fellows and were sweetly reasonable. Man was a rational animal; and how could such a one logically spend his time in perpetual strife? Men in this pre-social state were good, not bad: their reason resulted

in an enlightened, and not a short-sighted, self-interest, and they recognized the value of coöperation.

The law of nature, or of natural living, was the product of reason. Hence in the natural state all men were equal, since reason itself gave no justification for inequalities. Moreover, Locke's psychological studies had convinced him that all men at birth had equality, if it was only the equality of identical blankness. From this equality of the natural man there followed the possession by every individual of the same rights.

What were these rights? Manifestly in the first place there was the right of the individual to live, to be allowed to live without interference from his fellows. Hobbes had conceived of murder as a normal incident in the life of the natural man. To Locke it was incompatible with reason and goodness. Secondly, there must of course be liberty—not liberty in the sense of a power freely to will and to achieve one's will if one could, but liberty as a voluntary recognition by everyone of his obligations to his fellow and a respect for their claims. That is, there was a code of unexpressed and undefined rules, which yet bound individuals because of their rational recognition of mutual interdependence.

Thirdly, the law of nature gave every man a right to property; and it was the right to property that became the cornerstone of Locke's political theory. Why did such a right exist? It existed, not, as with Hobbes, as mere possession, the right to acquire if one had the power to do so, but as the right to enjoy that which one had produced to satisfy one's needs, something that every reasonable being would recognize as just and would duly respect. Locke was enabled to come to this conclusion through his definition of property. Property, he states, is "that with which a man hath mixed his labor"; a definition that was to have a curious fate, being applied by Marx to the industrial society of his day, and leading to the conclusion that workers were deprived of a part of their product. It became, in short, the celebrated labor theory of value.

Locke, however, was thinking not of an elaborate industrial society, but of some vaguely conceived group of men living in undeveloped territory without political organization, a group

of rational primitives faced with an abundant nature. To survive it was only necessary for them to work; and what could be more just than that they should enjoy the necessities of life gained by the sweat of their brow? Doubtless Locke had in mind an America just being settled, where a rich virgin soil rewarded settlers for their enterprise and where, with free land, no competent person need starve. Indeed Locke specifically states that the characteristics of life under the law of nature are an abundance of land, a high degree of sociability, and the prevalence of known, but undefined, customs regulating men's intercourse.

Now these are the very characteristics of a new and frontier community. Certainly Locke's state of nature had never existed as a state of society; and the American colonial adventure began with the setting up of government, while most of the early settlements were not on free land, but on vast tracts given to individuals by royal grant. How primitive men could have formed such a well-organized society without government, using force, is not clear. Yet Locke was right, as against Hobbes, in believing with Aristotle that men had a social nature; while modern anthropology has suggested that, if government and force are more prevalent among primitive peoples than we once believed, nevertheless a great part of their life is regulated by custom and tradition. The great error in Locke's position lay in his belief that men would generally be rational and respect property rights. If custom is a restraint on covetousness and prevents the perpetual battle of Hobbes, nevertheless men will take advantage of their fellows and steal their property. The abundant life is not a characteristic of undeveloped societies; and while need may give cohesion, it also leads to crime.

*The Defects of the Natural Condition:
the Need for Government*

Locke indeed had some inkling of the defects of the natural society, and did not glorify it, as Rousseau was later to do. He pointed out that the rules dictated by reason were not always self-enforcing, and that it was awkward not to have some au-

thority with power to see that they were observed and to define what they were. For, granted men are rational, Locke does not go so far as some of the later *philosophes* in the faith that they are purely rational, free from prejudice, and not given to an over-emphasis on their own interests as against those of their neighbors. He recognizes full well that, while there may be some general agreement as to what rules ought to be respected and observed, that is, that men may share essentially the same viewpoint on fundamental ethical principles, nevertheless interpretations of the proper application of a rule to a particular case will differ widely. In a specific issue men will not uniformly come to identical decisions as to what constitutes justice according to the law of nature. In other words, the law of nature is hazy and vague, and there is too much scope for differences of opinion, honest or otherwise, about it.

Hence the state of nature has certain defects; and men, inspired by their rational and social nature, feel a need to remedy those defects. They want, first of all, the establishment of a known law, clear and definite, and directly applicable to the situations that arise. Yet with such a law duly created men might still differ as to whether some specific act constituted a breach thereof. Hence, secondly, there must be an impartial judge to decide controversies under the law, to determine who is innocent and who is guilty. Even this is not enough: judgments do not execute themselves. Therefore, one needs, thirdly, power to carry out the sentence pronounced in a case and to see that the parties observe its terms.

It is from these defects and these needs that the state arises. The state is indeed nothing but a common organ of and for social creatures; that is, an organ which all accept for the purpose of interpreting the law of nature and removing uncertainties in its application. For Rousseau, the state was the nearest approach to the perfection of a natural condition in a world where men had long been corrupted by artificial conventions, unjustly imposed by the powerful: for Locke, it was the culmination and bringing to perfection of a state of nature that was good in its essence, but displayed glaring defects in its day-by-day workings.

Locke's Theory of the Social Contract

How is an organization competent to perform the functions listed above to be created? Locke answers, by means of a contract, or rather of two contracts; though whether the two were in Locke's mind distinct and separate is a matter over which scholars have long disputed. Logically, however, the two processes are distinct, and may be so treated for purposes of analysis. First comes the so-called *pactum unionis*, the pact of union, a contract of each with all to form a community. This differs somewhat from Rousseau's later contract in that, while with the latter each individual contracts with the whole collectively (although since no whole exists before the contract, this is logically impossible), in Locke's version each individual contracts with every other individual. This may be a more logically defensible procedure than Rousseau's; though one may well ask why, granted men living in a state of sociability, there is any necessity for a contract to create a community. Locke certainly does not make clear what is the difference between men in a state of society and a community.

Apart from this difficulty, however, what is the essence of the contract? Each individual agrees with every other to surrender his natural rights to the community, i.e., a new being is created in order that rights may be effectively guaranteed. Perhaps in this we have the answer to our question. A society is marked by individuals possessing rights, a community by the possession of rights by the whole on behalf of the individuals. Yet this whole is but a sum of individuals, now organized: it is not an independent and conceptual being. Locke thus avoids the pitfalls of Political Idealism.

The end of all this is the gaining of protection. Protection will be assured when the state, the community as a whole, executes the law of nature, instead of leaving it to each individual to be judge and enforcement officer in his own case. It is to be noted that Locke identifies state and community, a dubious procedure from the point of view of any modern sociologist, and one that is hard to defend in terms of his own superstructure. The state so created is, as a community, to determine law and

punish offenses. Nevertheless, the individual is not to lose all his natural rights, surrendering them into the hands of government: if Locke did not carefully distinguish state and community, he was very careful to distinguish state and government—a dangerous distinction from the realistic viewpoint, and one likely, unless applied with care, and as a purely analytical and organizing technique, to lead one indirectly into the Idealist camp.

The individual enters the contract that he may have his freedom and yet be protected. Consequently he gives up only so much of his natural rights as is necessary for his protection, for the creation of the state, and retains everything else. This is the second logical contract, the *pactum subjectionis*, or compact of subjection, through which the individual promises the state obedience, provided and while the state secures the essential freedom he had enjoyed in the state of nature, leaving him free in his life, his liberty, and the enjoyment of his property.

How can the individual have such freedom, if the state has taken over his rights? Locke's answer is that a part of the contract consists in the establishment of majority rule, by which the consent of the majority will be necessary to the making of law. This consent will protect the individual against tyranny, against the deprivation of his rights by the state he has agreed to create, while at the same time allowing for effective collective action. By this second contract the state agrees to rule the individual only with his consent, as contained in majority rule, while the individual binds himself to carry out all decisions made by the majority. It is manifest that here Locke was trying to erect a defense against the Stuart custom of ignoring parliament and the interests which it represented, and was re-introducing, in a somewhat new guise, the idea that government existed as a trustee for the people, and through their support.

There was, of course, a real difficulty in this whole idea, in that it is hard to see how an individual may be said to consent to a law made by the majority, when he is of the minority opposed to it. But Locke was aware, if Rousseau at times was not, of the dangers of too anarchic a freedom; while practically the

majority, to him, was the majority of actual electors, a fairly small and homogeneous class. Whatever the logical difficulties of the concept, we do know that democracy only works because minorities are normally prepared to acquiesce in decisions made by the majority, even though in the beginning they would have preferred a different decision. Nevertheless, whatever the necessities of workable representative government, there is real danger in identifying the majority and the whole; while, if the possibility of fundamental conflict among the electors is lessened and the chances of genuine representation are increased when the electorate is a small class, the likelihood that decisions will express the consent of even a majority of the whole becomes somewhat slight under such conditions.

Consent and Obligation

Locke, however, is concerned not so much with specific consent to individual laws as with a general consent to the form of government in a society, as he shows in his attempt to answer the question, how can the existence of consent be discovered? The individual must give evidence of consent to be bound by the decisions made within the organized community. But, once such evidence has been given, he is permanently bound by whatever is done thereafter. This evidence may, however, be either express or tacit. An individual can, on reaching maturity, make a formal oath of allegiance to government or take part in public affairs. Yet if on attaining years of discretion he remains in the country rather than going elsewhere, his consent to what is done by government may be assumed. For if he had disapproved, or liked some other place better, he would have departed. This doctrine is plausible but unrealistic. However much an individual may dislike his government, he is very often unable to depart, through economic or other circumstances; while in modern times, of course, he has been able to do so only with the state's permission.

Secondly, even if he does depart, his practical choice is confined to putting himself under some other government, and on occasion this may result in little real choice at all, though in

Locke's time, and for nearly two centuries after, the American frontier did offer an escape to those who could not bear social and political restraints. Nevertheless, what Locke really says is that the individual is a member of society and has an obligation to obey the state's laws, provided he lives in a country where majority rule prevails and where liberty of the person and of property are allowed and protected, subject to such legal limitations as the majority, through its representatives, may from time to time deem proper.

In fairness to Locke, it should further be noted that both England and Holland had previously offered asylum to refugees, and had shown a considerable degree of toleration of opinion, particularly in matters of religion. When they themselves grew more rigid and less tolerant, escape for those of sincere convictions did not prove impossible, though it may have involved sacrifice and hardship. The Pilgrims and other groups did find refuge on an unsettled American seaboard, and were there able to establish their own governments, with which, in the beginning, England interfered but little. Pennsylvania, under William Penn, offered real protection for Locke's natural rights, even if its democracy was limited; while, when colonies like Massachusetts themselves attacked such rights, it was still possible to move elsewhere and found a more liberal and congenial regime, as did Roger Williams in Rhode Island.¹ Incidentally, it may here be noted that the idea of a social contract as the basis of government was not so foolish as it has sometimes been made to appear: while the early settlers did not start from a primitive, unorganized world, they did sometimes establish new social and governmental arrangements on a quasi-contractual basis, as is shown in the Mayflower Compact.

To return to our *moutons*, Locke holds that, on the completion of the two-fold contract of union and of subjection, the state exists in its full power, with the majority in command. The government of this state must be based on popular institutions. Yet it may have different forms. The form is determined by where the legislative power resides; whether it be in the whole

¹ See following chapter, pp. 553-555 and 568-569.

people, in its representatives, or in some more limited group. Nevertheless, the different forms of government do not make different forms of state. There can only be one such form created by the contract above described. Of the forms of government only one, democracy, is safe.

This distinction between state and government is somewhat strange and quite obscure. For if the state is created by the two-fold contract and if majority rule is part of it, it is a little hard to understand how there can justifiably be a government that is non-democratic. At best there could be two forms, direct and indirect democracy. The doctrine of tacit consent may indeed suggest that Locke, following earlier thinkers, was prepared to support a monarchy on the ground that the king ruled with the consent of the governed and was limited, in the same way that the Roman emperor was supposedly limited by the *lex regia*. On the other hand, an objection to direct democracy as impractical may have been in the forefront of Locke's mind. To him the proper government was representative democracy; and no doubt he was anxious to show that the supremacy of parliament was compatible with, and based on, majority rule in the people itself, even though he was in fact defending a scheme under which a relatively small proportion of the people alone had the franchise.

*The Best Form of Government:
Representative Democracy*

Why should democracy, meaning once more representative democracy, be the only safe form of government? On the one hand a direct democracy cannot function effectively, cannot so legislate as to give that certain and adequate protection which is the purpose of the contract. On the other, a monarchy independent of the legislature, whatever its nominal obligations to the people, is not easy to check or to call to account, since no institutions exist for that purpose. Hence if the monarch abuses his power and ceases to represent the majority, the only defense left is revolution, which is scarcely compatible with

order and the protection of natural rights, even though its aim be to regain them—and, as we shall see, Locke, while insisting on the right of revolution, is emphatic that its exercise is only a last resort. Representative democracy, on the other hand, is a method of government by a legislature capable of effective action, since it is a coherent and limited body. At the same time by means of periodical elections the legislators are called upon to give an account of their performance, and may be turned out of office should they have abused their power, to the diminution of men's natural rights.

This doctrine constitutes the traditional defense of legislative authority both in this country, where Madison ably expounded, in *The Federalist*, the superiority of representative government over direct democracy, and in England. In the latter country it is combined with Hobbes's theory of sovereignty and is given a legal bias to become the constitutional doctrine of parliamentary sovereignty as developed by John Austin; while it is re-stated in a form more closely analagous to Locke's position by Dicey, who distinguishes the legal and the political sovereigns, making the former, parliament, dependent on the latter, the electorate.¹

One may perhaps observe that Locke assumed a two-party system even though in his time parties were not close-knit. That minority parties might grow up which would not be sufficiently powerful to gain representation in the legislature, yet which might have enough strength to prevent the dominant party from representing a true majority, he did not perhaps realize. More important, he failed to see that under a system of single-member constituencies such as prevails both in England and in the United States, the legislative majority might actually represent but a minority. His theory of tacit consent ensured obligation even in these circumstances. Nevertheless, it could hardly be said that such a government necessarily protected natural rights in the sense that Locke meant, at least from the standpoint of logic.

¹ A. V. Dicey was a great constitutional lawyer and analyst of the past generation. He insists, in his *Introduction to the Study of the Law of the Constitution*, on the sovereign omniscience of parliament, but stresses also the dependence of its members on the electorate for their political life.

The Rights of Property

He was, however, mainly concerned with the right of property; and the later developments of industrialism, on the one hand, and techniques of forming public opinion, on the other, have created a capitalist society within which the property group, even though a minority, is enabled, working through democratic machinery, to ensure a disproportionate degree of consideration for its interest. Locke's philosophy has indeed provided a complete rationalization for such a society; though it is important to note that, when Locke defended property, he was concerned very largely with landed property or with the property gained by individuals in commercial adventure, not with the property of great industrial corporations, where control, risk, and effort are often almost completely divorced. In his day there was some justification in defining property as "that with which a man hath mixed his labor."

Yet even then the earlier enclosures had dispossessed thousands, depriving them of access to the soil and turning them, if they remained on the land, into tenants at will or hired laborers. On the other hand, the growth of trades, the breakdown of the guild system, and the new opportunities for commerce in an England that was gaining supremacy on the seas by the defeat of the Dutch, offered men with energy and initiative a real chance to acquire. Locke, however, showed a blindness to the truth that a concept of property conceived in terms of pioneer colonial conditions was not rightly applicable to contemporary England. Whether Locke would have approved a property system based so completely on the cash nexus as our own, it is impossible to say. One may nevertheless state with some certainty that the Hamiltonian theory, the philosophy from which current Republican doctrine derives, was a fair interpretation of his ideas and created a society of which he would have approved. For he is not, like Rousseau, a leveller. Rather he anticipates and shares that concern with the safety of bourgeois wealth that is so signal a mark of Voltaire's thought processes.¹

¹ See Ch. XXIII, pp. 665-670.

The Differentiation of Powers

Returning to our main theme, we should note that, if Locke desired to give the electorate an ultimate control over the legislature, his deepest fear was nevertheless that the executive might become independent and, getting out of hand, might control or ignore the legislature, thus making the protection of natural rights through it unreal. Accordingly, he develops a doctrine of the differentiation of powers. This is unlike Montesquieu's later theory of the separation of powers—a theory of checks and balances. Its object is not, by allowing the different functions of government to become independent in their functioning and thus preventing anyone from getting exclusive control, to gain protection against potential tyranny. On the contrary, Locke is anxious to insure the supremacy of the legislative branch of government. This is absolutely necessary in terms of his own logic. For the legislature is the representative of the majority, and the ultimate protector of those natural rights for whose more complete security the contract was made. Legislation in Locke's view is the supreme function of the state; and the body to which it is entrusted must have the highest power. Nor may that body transfer its powers to another. It receives them from the majority that it may exercise them. Therefore it has no right to surrender them. Moreover, if it does so, the result may be once more an arbitrary absolutism and a neglect of those natural rights which the state exists to protect.

Memories of the Rump Parliament were still vivid in men's minds, and Locke was afraid that a king might use his power for the subjection of parliament to his own unpopular ends. To give a modern analogy, Locke felt that the legislature should not become, like Mussolini's parliament, a suicide chamber. The history of the Stuarts, after all, had in large part been the history of struggles between king and parliament; and indeed, since Tudor times, the former had gradually encroached on the sphere of the latter. Particularly, the Stuarts had endeavored to impose arbitrary taxes and to grant monopolies, thus attacking the property interests of the middle class, while depriving that class of the opportunity to profit from the new growth in

commerce. Ship money and Hampden's case were not forgotten. Parliamentary supremacy was not simply the logical outcome of Locke's premises: it was a practical necessity, the one possible alternative to government by prerogative.

Secondly, there had to be an executive power since laws were manifestly not self-enforcing. The legislature itself could not and should not endeavor directly to carry out its own mandates. Nevertheless the executive existed simply to carry them out, not to make and enforce separate rules of its own, independent of the will of parliament. Accordingly it must be subject to the legislature, losing its power if the legislature disagrees with it.

This was an anticipation of that doctrine of cabinet responsibility that was to receive complete formulation and recognition early in the nineteenth century. It was through this, and not through the separation of executive and legislative, that such freedom as the British people enjoyed was secured. Montesquieu, by misunderstanding this, unwittingly developed a theory which, accepted without reserve in the making of our republic, led to the unfortunate conflicts that have at times marred the history of the presidential system, while making inevitable that virtual sovereignty of the judiciary the results of which have been even more socially unfortunate.¹

Yet if the separation of powers as Montesquieu conceived it did not exist in the England he knew, it was none the less true that the doctrine was somewhat more accurate as a description of Locke's England than the latter's own theory, which represented at the time merely a wish. While the Stuarts had succeeded in encroaching on the sphere of the courts, the judiciary under Coke, despite Bacon and other time-servers, made a strenuous fight for its independence, while the legislature had resisted the invasion of its sphere with varying success. At the same time, though the Restoration had destroyed the complete independence of the monarchy, the power of prerogative was by no means dead, and was not rendered purely nominal even with the accession of the House of Orange.

We may indeed doubt whether Locke's insistence on executive subjection to the legislative power arose from a conscious

¹ See Ch. XXI, pp. 600-603.

desire for cabinet responsibility, as it was understood by Gladstone and described by Bagehot.¹ Rather it was, in the first place, an objection to executive power in the hands of the king, a feeling that the prerogative should be exercised subject to, and not in defiance of, parliamentary law, though not necessarily denying that the prerogative had a place of its own as supplementing legislative activity.

Secondly, Locke was attacking the idea of independent ministers, under the protection of the king, who could disregard the work of parliament. The logical conclusion of this was, no doubt, the cabinet system of today; but, long after Locke's time, government by King's Friends was practiced, while the realization of the full implications of parliamentary sovereignty was a slow growth.

Thirdly, Locke believed that there was another division of the government, which he called the federative. This power was to carry on relations with other states, to conduct diplomacy and to decide generally in all problems of international relations. It is customary in commenting on this to say that no such power exists. Foreign relations are in the hands of the executive. Yet even today the cabinet has in this sphere a greater real independence from parliamentary control than elsewhere, whatever the legal position. It is, moreover, interesting to note that foreign affairs, always the *arcana imperii*, the most secret affairs of government, are, following a brief period of so-called open diplomacy, once more increasingly controlled by Foreign Office, State Department, or Quai d'Orsay. These may, again, be nominally subject to the executive; but in point of fact they often act independently of, or even control, it. What situations in Locke's time led him to believe in either the existence of or the necessity for such a power, it is hard to say, unless it be that the Stuarts had pursued their own unpopular foreign policy, rejecting control and refusing advice.

Perhaps the most curious part of his analysis is the omission of any mention of a separate judicial power. Indeed, the judi-

¹ Bagehot was one of the more distinguished English social philosophers and commentators of the middle of the last century. His *The English Constitution* contained, *inter alia*, a discussion of the nature and functions of the Cabinet which achieved enduring fame.

ciary is seemingly included within the executive. Now, the judiciary is an indispensable and fundamental part of government, and its independence of other powers in its day-to-day work is vitally important, if rights are to be protected and justice secured. The tradition of judicial independence is one of the leading boasts of the Englishman; while its absence in France, where the *parlements*, and particularly that of Paris, came more and more under the king's control, was rightly considered one of the major abuses of the *ancien régime*. If it was unwise, and perhaps in the final analysis impossible, completely to separate legislature and executive, the separation of the judiciary from these other powers was both possible and necessary. Locke probably assumed that the traditional independence of the English judiciary was, granted a parliamentary government and the absence of an arbitrary executive, sufficiently guaranteed. Moreover, where Hobbes had treated law largely as criminal law, Locke sees it primarily as civil. The main object of courts is to decide cases between individuals. This function is not on a par with the more public and political functions of the legislative and executive power. But, even under the most responsible government, judicial independence is vital that the citizen may be safe against individual acts of arbitrariness by executives, as well as against the insidious threat of abuse of power by an administration that is not made continuously aware of its responsibilities.

Two plausible explanations for Locke's ignoring the necessity for this safeguard might be advanced. In describing the state of nature, he had pointed out that it had lacked an impartial judge, and the state itself was created to be such a judge. That is, Locke may have conceived of the legislature as a body which, in making law, decided between conflicting parties in terms of the rights that it was its purpose to guarantee. Hence the judiciary would be simply a body to decide cases where men were accused of breaking laws, and not itself a protector of rights against executive encroachment, particularly since the executive was presumed to act only in the execution of laws. Such a view was the more possible since the doctrine that the judiciary had the power to find legislative acts unconstitutional

was never accepted in England, despite occasional proposals of that kind; while the condition that chiefly led to an insistence on judicial independence was the exercise of arbitrary power by an executive not responsible to parliament. Presumably Locke assumed that safeguards for an independent judiciary would not be necessary with a responsible executive and a sovereign parliament. Yet history has subsequently demonstrated that executives, particularly at critical moments, are likely to interpret their powers very broadly, and to confuse justice with *raison d'état* to the detriment of the citizens' rights, while legislatures are often complaisant, and, particularly in modern times, exercise only nominal control over executives, their actual masters.

The formal existence of constitutional rights and the prevalence of democratic institutions is no certain guarantee of actual justice. Montesquieu had the sense to perceive that the spirit of the laws and the temper of the times were important; though he also realized that the mere existence of an independent judiciary did much to create a tolerant attitude and a wholesome respect for individual freedom. Locke, seemingly, lacked this wisdom.

Secondly, Locke may have feared the competition of two powers as the interpreters of natural rights, and it may have seemed to him that this would involve conflict between the judiciary and the legislature. It is reasonable that he should give authority to the latter, since it was the responsible body, being subject to the popular will. Indeed, he may even have thought that a judiciary, with a belief in its independence and a conviction that it was the true guardian of ancient laws and customary claims, might by gradual encroachment become, not simply a competitor of the legislature, but, through the development of a doctrine of judicial review of legislative acts, its superior. The courts and parliament had both fought the Stuarts. It was not impossible that, with victory won, they might fight one another. Certainly if we admire the courage of certain judges in the period before the Commonwealth, we must admit that, through a somewhat curious interpretation of Eng-

lish history, many had gained an exaggerated opinion of their own place and importance in the scheme of things.

Power as a Trust: the Preservation of Freedom

Despite Locke's theory of legislative supremacy, he insists emphatically that the object in view is freedom, the securing of natural rights, and that the legislature is subject ultimately to the ends of the compact, and immediately to the people. He therefore returns to the idea of consent. Seemingly he had made this purely tacit in form. Nevertheless he holds that, in the sphere of property, people must consent to its surrender, even though the purposes be those of government. Taxation is not something forced upon the people, but a voluntary gift from them, based on their recognition of the services that government performs in their interest. This statement shows his preoccupation with property and his fear that its claims may not be sufficiently respected. Yet here, too, he really defends tacit consent, assuming that the majority will always tax with justice. If there is contained in the doctrine a word of warning to legislators not to impose unreasonable burdens, there is also a desire to persuade people that taxes are imposed in their interest and by their will.

One can see why Locke should make this point. The imposition of arbitrary taxes in the previous reigns had provoked great resentment, leading to resistance and non-payment. There was, therefore, some danger that persons who had little power to distinguish might develop an antinomian attitude on this matter and object to all forms of taxation whatsoever, thus making government difficult, if not impossible. This was the more possible since men in general do not like to give up property and, being short-sighted and not observing or being constantly aware of the operations of government in their interest, have an almost instinctive feeling that taxes are an imposition. How strong this feeling is contemporary newspapers attest: sales taxes and increases in taxes on income have provoked considerable

resentment, even among those who approve the extension of governmental functions.

If there was need for consent in the making of law, Locke also insisted that the power of the legislature was held as a trust. This is an obvious inference from his whole theory; but what is interesting is that he then deduced from that doctrine the right of revolution as the ultimate means of protecting men's liberties. This was a somewhat novel doctrine, though the right of resistance to tyrants under the leadership of magistrates had been a regular part of political thought, particularly since the Reformation. How such a doctrine is compatible with the insistence that one must submit to the legislature as embodying the majority will it is hard to see. For Locke, unlike previous thinkers, did not limit this right to resistance against despots. It is justifiable to revolt also against a representative government if it repeatedly abuses its powers.

Perhaps Locke had some intuition that his scheme was not logically airtight and saw the danger that a parliament itself might consistently attack men's natural rights; though to him the danger was probably that the mass of men might gain control and show a lack of concern for the claims of property, rather than that property-owners might oppress the masses. However this may be, Locke was cautious and conservative, and, if he admitted the right of revolution, he nevertheless stated that it was inexpedient to make use of it.

The American colonists made Locke their bible, and his theory conveniently fitted their conditions. They were revolting against a parliamentary system, and they were revolting in the interests of local property, not indeed against the masses, but against commercial and manufacturing interests beyond the seas. They even observed his caution, and the revolution was made only when it was clear that grievances were not understood and that redress was not forthcoming. Locke is thus the intellectual inspiration alike of the making of the Revolution and of the conservatism of the early Republic.

One should perhaps note that this doctrine of normal obedience, with revolution as a last resort, is less anarchic than the idea sometimes encountered in our own day, that any individual

or group has the right to disobey any law that is disliked, or which threatens some existing interest. At the same time, the alternative of complete obedience or revolution is not justified, at least today. We have discovered the weapon of popular nullification and have recognized that an organized group may on occasion resist laws and render them unenforceable without thereby producing anarchy. This, however, requires a considerable degree of homogeneity and like-mindedness, while, for it to be effective, there must be a conscious and instructed public opinion. These conditions are prevalent today in a way that was not true of Locke's time.

*Locke's Theory of Toleration and
the Limits Thereto*

This completes our analysis of the second of the *Treatises on Civil Government*. Locke gave practical expression to his philosophy of freedom in his *Letters on Toleration*. Only one of these is devoted to political freedom, the rest being taken up with a discussion of religion. Locke first of all points out that it is beyond one man's power to constrain another's mind. Force does not destroy thought or the results of thought, and it cannot produce conviction. This is, of course, one of the great arguments for complete freedom of expression, the other being Mill's perhaps more dubious doctrine that truth will win in the competition of the market place. Yet it does not of itself show the inexpediency of persecution from the point of view of immediate success in government. The ruler who persecutes usually does not care what men think, and recognizes fully the impossibility of controlling their thoughts; though today he may also feel that he can suggest and instill in the minds of the half-educated ideas and convictions they might not otherwise have had, even when those ideas are erroneous and absurd. What he is generally interested in is the thought that is published, the ideas that are in circulation. These do effect men's minds and may, if given full scope, become dangerous to the government. That I may think warfare barbarous and armaments an economic waste is unimportant from the

ruler's point of view. As an isolated individual he can deal with me when a situation arises in which I endeavor to act according to my beliefs. But should I be able freely to express these views in books, pamphlets, and articles and over the radio, I may persuade others to my point of view and organize a concerted movement, while I may even succeed in disaffecting the troops themselves. This may well hamper the government's policy, and perhaps defeat it.

Consequently it has been necessary for advocates of freedom of thought to show the practical value of freedom from the point of view of government itself. The Politiques were the first group to undertake this task; and Locke, if he goes beyond them in emphasizing the rights of the mind regardless of utility, is fully aware of the importance of this argument. Consequently he insists that persecution is, not simply ineffective in terms of thought, but also dangerous from the point of view of national welfare. Moreover, unlike the Politiques, who had held that the danger was real under the particular conditions of the France of their day but had recommended persecution under other conditions, Locke insists that the danger exists under all circumstances. Hence persecution is never expedient, while conversely, toleration is always useful.

What are the dangers of persecution? They are two. First is the economic. Persecution deprives a country of useful citizens, who, refusing to consent to government, flee to other lands, taking their skills and knowledge with them. Their original country loses the value of their work, while the country to which they go, which may at some time be an enemy of their homeland, gains correspondingly, not only in wealth, but in the loyal support of men made grateful by a kindly reception. Locke thus defends the granting of the right of asylum to the persecuted, a long-established British practice from which England gained enormously. Indeed, it is not impossible to hold that not the least of the causes of English commercial and industrial greatness was its readiness to receive outcasts from all over Europe. The same was also true of Holland over a limited period of its history, while the United States has gained a good deal in a similar way. Indeed, the original colonies were

in part settled by those who fled from disabilities imposed by the Stuart government, which unwisely departed from earlier British practice; while after 1848 large groups from Continental Europe came here and were not uninfluential in determining the fate of America, both during and after the Civil War. Today the point still has importance, particularly in view of the new hosts of refugees from Nazi Germany.

If there were positive economic gains due to toleration and indubitable losses where it did not exist, political dangers of persecution were scarcely less obvious or important. By attacking views that were unpopular and seemingly dangerous, the government did not destroy them. Nor did it prevent their communication. Instead, it drove them underground, where the necessity for conspiratorial behavior and the real dangers run by those with convictions led to greater extremes in their viewpoints and to more violent methods of expression. Locke did not mean that the government could control views if it did not repress them. He simply meant that the government would be aware of what men were thinking, and would therefore be forewarned, while the citizen, allowed to express himself, would feel more contented and would not be driven to bomb-throwing or similar behavior.

In this there is considerable psychological truth, even though, without being persecuted, leaders and organizers may not be contented with words, but may insist on action. For men who have grievances frequently get a feeling of satisfaction from expressing them, and in the joy of denunciation fail to notice that their passionate outcry does not change the existing situation. On the other hand, those who brood silently sometimes finally explode in much more dangerous ways. The generalization may be illustrated in anyone's experience of private and family life. Certainly Englishmen have assumed that the comparative lack of disturbance in public life has been not unconnected with the safety valve of Hyde Park and similar open spaces where soapbox orators may deliver themselves of their sentiments uninterrupted, save by the heckling of onlookers, whose critical scepticism sometimes produces doubt, and certainly enforces a recognition that differences of opinion do exist and may

cause difficulties to the would-be revolutionary. Nevertheless those who persecute are usually not too deeply concerned about ultimate explosions, provided they can get an immediate appearance of unity and an outward coöperation. While thoroughly guarded, they are prepared to risk the slight dangers of assassination for the considerable rewards of power.

Locke applies all these ideas to the sphere of religious belief, though he there introduces some surprising qualifications, seemingly taking the point of view that certain forms of religion or irreligion are in fact harmful to the state. This is curious since, if men's minds cannot be constrained and if persecution is dangerous, surely those whom Locke condemns cannot help thinking and feeling as they do, while, driven underground, they may be as dangerous as any other group and, indeed, owing to the zeal that religion promotes, may perhaps be more so.

Nevertheless he does believe that Catholics, Jews, and atheists are socially dangerous. The reasons for English fear of Catholicism we have already noted in dealing with Hobbes. As to Jews, there was, of course, a long tradition of ill-treatment connected with them; and Locke doubtless shared the popular suspicion of the strange and exotic that is still felt in regard to them even today, outside London and some other large cities, despite English experience under Disraeli. This was reinforced by the feeling that the Jews, who had crucified Christ, must be evil persons and could not be trusted or relied upon, a view further strengthened by the reputation they had for sharp dealing, a reputation illustrated in Shylock.

As to atheists, they were outside the pale, simply because no oath could bind them; and oaths at that time had a peculiar seriousness and were necessary for the transaction of most public business. It should be noted that only in fairly recent times has it become possible to affirm rather than solemnly swear, hand on Bible, when one is a witness in court. Then, despite the diversities of creed that the Reformation had produced, the western world was professedly Christian. Indeed, the influence of the Reformation had been on the side of strengthening rather than relaxing the importance of belief and of behavior according to Christian ethics, at least as far as the individual was

concerned. This remained true even though in Locke's day rational examination of Christian dogma and history was beginning; and the deists and supernatural rationalists to whom Locke belonged had already started that criticism which was ultimately on the one hand to socialize religion and on the other to make unbelief respectable. Despite his reason Locke remains a Christian gentleman to whom Jews and atheists are beyond the pale. He is ready to tolerate Mohammedans: they at least have a creed and culture of their own. They are neither wanderers who prey on decent people nor rebels.

If Locke is a person to whom the conventional decencies of life, including religion, are of vast importance, he is nevertheless primarily concerned with earthly welfare and recognizes that the state is a secular body with purely social purposes. Much as he despises the aforementioned groups, he would have magistrates persecute them only that social peace may be preserved. That is the magistrate's function. It is not his business to search men's souls. Even an atheist would have been free to hold his peculiar opinions as far as Locke was concerned, provided he did not express them or refuse outwardly to abide by the social laws and regulations of the day, including such religious requirements as were in force.

Indeed Locke goes yet further. For him the state has nothing to do with forms of worship, and churches are purely voluntary. He is, therefore, not a defender of the Established Church, and does not wish to make it the sole or supreme church of the land: provided men are Christian, and provided they do not owe allegiance to an alien power, they may worship where and how they like. Locke did not care how many different dissenting bodies there were or how they worshiped. Whether a man was a member of the Church of England, a Presbyterian, or an Anabaptist was not a concern of the state. He had a natural right to liberty in this matter, however peculiar his beliefs or singular his forms of worship. Indeed, much of Locke's criticism of the Restoration arose from its religious policy. He himself, it will be recalled, had been prevented from entering the ministry by the conflict of conscience and the Articles of Faith the entrant was required to accept. He did

not, however, resent the position of the Church of England, despite his Puritan background, save insofar as it employed that position to suppress critics, to support a bad government, and generally to encourage policies that were unwise. However much Locke concerned himself with religious problems, his prime interest was in national and social well-being, as judged by the Whig party.

Locke's Influence: Capitalism and Communism

For a long period following his death, Locke's ideas enjoyed a tremendous influence and prestige, and even today he is commonly regarded as one of the fathers of the democratic credo. Undoubtedly this is in no small part due to his commonsense point of view and his lack of extravagance, both in thought and style. He had quietly and soberly undermined the pretensions of kingly absolutism and had demonstrated the practical utility of constitutional government. Yet at the same time he had not espoused any leveller's utopia, nor even the still horrifying doctrines of complete republicanism. Rather he had provided a rationale for accumulation, had justified rule by men of substance, and had shown that constitutional guarantees of liberty made for progress both in the intellectual and the practical affairs of life. At the same time, like a decent gentleman, he had refused to allow rationalism and individualism to lead to any anarchistic implications and had even discovered a formula that would permit revolution by an oppressed middle class, but not against it. He had made the state something less than the rights of its citizens, insisting that it was the duty of public authority to advance, but never to impede, the well-being of the average man as expressed through representatives. He managed, in short, to reconcile to the satisfaction of succeeding generations the thirst for liberty to pursue one's own affairs with the practical necessity for authority to prevent men or groups from indulging in activities contrary to the safety of the whole or to the prevailing *mores*.

The specific influences of his ideas are somewhat varied. Rousseau, combining certain of his principles with those of

Hobbes, produced a more thorough-going, but also a more tyrannical, democracy. Locke's influence on the *philosophes* was, on the whole, through his psychology rather than his politics, and was essentially an emphasis on the necessity for environmental improvement and educational endeavor. Nevertheless, his theories did combine with actual observation of English institutions in promoting the general condemnation of royal arbitrariness in France, and it was largely from his teaching that men learned the need for the protection of liberties and the creation of institutions of assent. While Montesquieu developed very differently the doctrine of separation of powers, its origin was in Locke, and both Montesquieu and Voltaire were influenced by Locke in their championing of freedom of thought and freedom from irresponsible power.

In England Locke, as well as Hobbes, contributed to the later Utilitarian psychology and to Utilitarian politics with its democratized sovereignty. Indeed, the whole legal theory of the sovereignty of parliament ultimately stems from Locke's political teachings. Nevertheless, it is even more obvious that Locke influenced that great conservative leader, Burke, whose views it was part of the Utilitarian task to attack. Indeed, Burke, however thoroughly he condemns Locke's *jusnaturalism*, may be said to provide the logical culmination of the latter's teaching, synthesizing it with the historical spirit of Montesquieu. He is essentially the last great voice of a landed aristocracy about to decline, insisting on both the traditional stratification and the traditional liberties of Englishmen, defending the claims of kings, lords, and commons, but arguing also that they have duties. Where, however, Locke had viewed society atomically, Burke sees it organically. Yet his concern for liberty and his distinction between the American and the French Revolutions in terms of his view of their purposes and of the character of their supporters are essentially Lockean.

It was, however, in America that Locke's doctrines had the most obvious, and perhaps the most lasting, influence. Locke himself was concerned with the drafting of the constitution on which Carolina was founded, while his ideas generally were influential on the more liberal elements in the colonies. Later,

when the quarrel with England developed, Locke's principles offered an extremely useful basis for America's claims. From Locke in particular came the whole doctrine of consent and the theory that property owners could not be required to pay taxes without representation. When reconciliation proved impossible, Locke could further be used to justify revolution. Then, when the new government was established, Locke's theories as to the rights of property offered aid and comfort to Federalist philosophers, though they might equally serve, with a difference of emphasis and selection, the needs of Jeffersonians, who did not find it necessary, with the Revolution successfully accomplished, to reject the natural rights doctrines that Locke had espoused and that had been so much appealed to in the preceding years.

Finally, by a quaint irony, the Lockeian theory of property as dependent on labor led indirectly through Ricardo to the Marxian labor theory of value and thus became the basis for a denial of individualism and the proclamation of the right of the community to own the instruments of production. Both bourgeois defense and communist attack have thus a common source. Their ends are indeed fundamentally opposed in terms of interest, but both share a greater degree of agreement on what phenomena are significant than is generally acknowledged. In analyzing human motives and in discussing social causation, both certainly stress economic interest and the search for earthly human welfare—ideas perhaps implicit since the Reformation, but which achieved their first full and frank expression in Locke. The common element in these two philosophies and the significance of Locke alike become evident if we make comparisons with medieval political thought, and even with Luther and Calvin. With Locke materialism is triumphant; and our current quarrels are largely to determine the beneficiaries of the now long-accepted faith.

Bibliographical Note

In order to locate Locke's ideas in their social setting, the student should read Ch. I of H. G. Laski's *Political Thought in England from Locke to Bentham*. The rest of that volume is, indeed,

to a considerable degree a commentary on the development and modification of his ideas under the changing circumstances of the following century. Lord's *The Principles of Politics* contains much material on Locke, particularly in Chs. IV, VIII, and IX, while Ch. IV of Vaughan's *Studies in the History of Political Philosophy* (Vol. I) gives a fine analysis of Locke's theory of the contract. A competent essay on Locke's political thought in general, by C. H. Driver, is to be found in Hearnshaw's *The Social and Political Ideas of Some English Thinkers of the Augustan Age*. S. P. Lamprecht's *The Moral and Political Philosophy of John Locke*, while not entirely satisfying, is valuable in tracing the connection of his political and his general philosophy. Part III thereof is concerned particularly with the former. The standard biography, full and interesting, is H. R. Fox-Bourne's *Life of John Locke* (two volumes). Various old editions of Locke's works are not hard to come by. The best, however, is that of Bishop Law in four volumes. Modern reprints of the *Two Treatises on Civil Government* are readily available: in one of the most useful they are bound with Filmer's *Patriarcha*.

CHAPTER XX

Colonial America: Calvinist Theocracy and English Liberalism; the Conflict of Aristocratic and Democratic Concepts

The Sources of Colonial Ideas and Their Transfer to America

A N examination of the work of Calvin and of the Monarchomachs, both in France and Scotland, has revealed fairly clearly how at least one branch of Protestantism, and that the most widespread, contained a curious amalgam of absolutistic, aristocratic, and democratic ideas. In Geneva, Calvinism tended to be authoritarian, while in France and Scotland it was essentially an anti-monarchical force. A survey of English thought from the Tudors to the Civil War has revealed how the general development of Protestantism, on the one hand, and the growth of new economic forces, on the other, coalesced to produce various philosophies, ranging from an essentially aristocratic parliamentarianism to a radical agrarian communism.

Now the early settlement of New England was made by Englishmen who came either directly from England or indirectly via Holland. The latter group, who sailed in the *Mayflower* from Plymouth, but had for their leaders mainly members of the Separatist Congregation of Leyden, brought many of the more radical attitudes that had first developed in England during the Elizabethan period, even though given coherent philosophical form only in the time of the Civil War. They also carried with them the more levelling religious ideas that sprang from Lutheranism and the radical divagations therefrom. Holland, it should be remembered, was the center of Socinian-

ism, a creed socially and psychologically radical, accepting the inherent goodness of man, and rejecting utterly the Calvinist dogma of depravity through original sin.

The former group, the Massachusetts Company, whose original members sailed on the *Lady Arabella*, combined the aristocracy of Puritanism, of a rigid Calvinism, with the anti-monarchical, but also anti-democratic, ideology of the new middle class that gave leadership to parliament in its struggle against the Stuarts and provided many of the officers of the Cromwellian forces.

There was at least one common purpose shared by both parties, namely, the attainment of freedom of worship for themselves and the setting up of an appropriate government that would not hamper that worship, but would support religion. It is with the philosophies of the leaders of New England that we are here concerned. Apart from the natural interest of this topic for American students, their thought may perhaps appear not to be of vital significance. It was not original, but rather the reflection of points of view worked out in the Old World. Nevertheless there are at least two reasons for devoting considerable attention to it.

First of all, apart from the thorough experiment of Geneva, limited in area and in influence, there was no other practical attempt to erect governments under the Puritan philosophy without the hampering effects of established institutions and vested interests; and even in that city Calvin had had to fight for a considerable period against opponents who embodied a more libertarian outlook before he could make his Discipline effective. In New England the experiment of theocratic government was tried on a wider scale than elsewhere, and with less interference, or danger of interference.

Secondly, because of the lack of a landed aristocracy, and owing to the extraordinary opportunities for new enterprise, the democratic implications of Puritanism had a peculiarly favorable opportunity to make themselves felt, while its aristocratic assumptions were more subject to the levelling criticism of the more radical sects. The Massachusetts Company, with men like Winthrop, Dudley, and Cotton at its head, succeeded in

getting their way despite the popular opposition that soon revealed itself. They could not prevent the escape of malcontents into the wilderness of Rhode Island. Genuinely democratic ideas were in part the product of economic assault on ethical and religious aristocracy; they were also to no small extent the outcome of a union of ethical, religious, and economic ideas and conditions.

Moreover, if Calvinism was in Geneva nominally a theocracy with magistrates and elders as the two branches of a single order and the joint interpreters of the will of God, the system in its beginning was instituted and controlled by the personal dictatorship of Calvin. While such a dictatorship made it easier to establish the system, it also perverted its ideal functioning and necessitated a verdict of "not proven" as to the practical adequacy of the theoretical scheme on which it nominally rested. In America, theory and practice were more closely allied.

Finally, it was in New England that the whole question of the relation of church and state was most thoroughly thrashed out, without the impediment of certain irrelevant social considerations that arose in a country with an established landed aristocracy and a monarchy, either absolute or limited. For, if there was nominal dependence on England, and if the crown was the source of colonial charters, it was only towards the end of the colonial period, when the emphasis on religion as against economics had declined, that the struggle of rival interests in England and in the colonies involved a thorough-going attempt at political control by the mother country. That control brought up the question of self-government versus the claims of empire, created artificial and temporary harmonies within the colonies, and distracted men's attention for the moment from the real issue of centralization versus decentralization, of authority versus individualism, an issue fundamental to Protestantism, as well as an inevitable outcome of the economic potentialities of a country hitherto unburdened by strong and long-established vested interests.

These issues have, in one form or another, been a constant part of American political and social life, having a continuous history from the early days of the first settlements down to the

present. In the early years it was Calvinistic Puritanism in its aristocratic form that constituted the dominant force in the new experiment in the Bay Colony: the Plymouth settlement, if only by reason of its smallness, soon became of minor importance. If the Puritans had left England under various persecutions, particularly those of Laud, in order that they might enjoy freedom to worship and create a social scheme in which the libertinism and worldliness of a court and landed aristocracy would be mercifully absent, men like Winthrop had been none the less men of position and some substance in the Old World. They might in some cases have given up ease and plenty; but they had no intention to forego forever the possession of material goods, even if they held that such goods should be gained and used subject to God's moral law. Indeed, leaders such as Saltonstall and Dudley, as well as Governor Winthrop himself, gained high dividends from their position in the form of broad acres, suitable to the life of an English squire. Pastors as well as magistrates, Cotton and Ward as much as Dudley and Winthrop, were men of ability, used to some deference from inferiors; and they objected to levelling tendencies as much as any lord. They were individualists in the sense that they attacked the existing powers in England in order to gain freedom for themselves, and in the further sense that they were self-reliant and possessed confidence in their abilities. But they were not individualistic to the extent of accepting the equality of all men or the sacred rights of man as man. They wanted to establish, with themselves as rulers, a government that would give them freedom to worship their God as they chose. They did not assume that the common man had a right to choose, and for the mass they had a real contempt in terms both of intellect and morality. They were possessed of truth, and in its behalf it was their duty to resist those above and to keep those below in subordination. This attitude can be largely explained on the ground that they were, like Pym and Hampden, middle class Englishmen and belonged to the group that embodied in its members the forces of an incipient capitalism.

The theology of Calvin provided a perfect apology for their claims, and gave moral fervor to a defense of interests of which

they were doubtless largely unconscious. Calvinism, with its doctrine of predestination, was necessarily deterministic. The idea that there was a group of the elect who were chosen for salvation worked as a perfect bulwark for aristocracy, once one made the assumption that, if the elect were unknown, God's favor on earth was nevertheless an indication of his plans for eternity.

On the other hand, the idea of the basic corruption of human nature very readily lent itself to the view that it was the masses who were sinful; and, since the favor of God must be requited by creating an order pleasing in his sight, of which the elect clearly would have the most adequate vision, the masses must obviously be governed lest they do evil and displease the Almighty. The individual as such was a being of little worth; and it was impossible to embrace an ideal of progress, since he was incapable of good. Moreover, God had stated His will once and for all as to the ideal society, and so, necessarily, government must be static and unchanging. Its object was to conform to the law of nature, which was the law of God, and this dictated specific institutions. The Old Testament, and particularly the Book of Judges, proclaimed what those institutions were: society must be governed by a narrow group consisting of magistrates and pastors working hand in hand. Politics was simply a branch of religion, and only those were entitled to participate therein who were coöpted for that purpose as moral and responsible beings by the limited group of the elect. The ideal then was a self-perpetuating aristocracy, religious in character, controlling public affairs and using the force of the state to the greater glory of God. Government must enforce a strict and positive moral code preventing men from displeasing God by pursuing the lusts of the flesh.

Nevertheless the theory that all men were corrupt and the admission that God, an absolute despot, saved men arbitrarily in terms of His whim was doubly democratic. All men were equal because of the Fall, and one could not be sure who were in fact predestined. There was always the possibility that the seeming aristocrats were deluded as to their being the chosen people and that their idea as to God's will was mistaken. This

was the more possible since the devil gave men such an erroneous faith in his attempt to thwart God's purposes.

This could readily lead to the challenge of the hierarchy, particularly when combined with Separatist doctrines, with the religious and social radicalisms that had flourished in Civil War England and contemporary Holland, and with the general Lutheran doctrine of inward freedom and of the incapacity of an organized church to judge the consciences of common men or to provide them with the road to salvation. Seekers and Independents, whatever their consciousness of their origins, were in fact disciples of the Lutheran doctrines of salvation by faith and of freedom for the individual to follow the plain teachings of Scripture. Calvin might, indeed, argue that ignorance as to who was saved nevertheless required submission to authority because God loved order, because to do His will was a duty imposed on mankind, and because external circumstances could not affect eternal salvation or damnation. But Calvinism itself, outside Geneva, had found it possible, through magistrates, to challenge government when there was a conviction that the political powers were preventing the true life according to God's will; and it was not impossible further to develop this by arguing that the self-perpetuating aristocracy was perhaps itself mistaken. The appeal to the individual conscience, once made, could not be permanently confined as a prerogative of a self-elected group.

Further, in the struggles against absolute monarchs who were not Calvinists, the doctrine of natural rights and of contract as the basis of government had been evolved. The compact was also used alike by the Pilgrims and, in the form of a legal contract, in the drawing up of the charters secured by the Puritans to provide the foundation for their government in the New World. This latter was necessary to gain freedom from English control, as well as to assure the right of imposing laws on the people. If the contract was at first one between a limited group for their purposes, economic and religious, the idea of consent was inevitably democratic.

There were within Calvinism certain inherent contradictions. These were partly, as we have suggested, the result of

its practical necessities in different lands under different conditions. They were also more fundamental. If whatever happened happened by God's will, then might became right because God so willed. Success, in short, was always based on the will of an inscrutable deity; and the Calvinist could logically claim his system was right only so long as he had the power to enforce it. Either one must abandon any ethical and normative standard and treat what happened in the social, as in the natural, universe as a product of natural law, the will of God; or one must admit that ethical truth had no connection with what actually happened. In the latter case, it was possible to argue that order was desirable; but the particular kind of order, as well as the peculiar revelation of those imposing it, was subject to examination and discussion. It was right not because it was order, but because it was ethically true. This enabled its content to be investigated critically in the light of reason; and, even if men agreed that Scripture was the basis of morality, their reason might lead them to disagree as to the meaning of Scripture and to challenge the claim of a particular aristocracy to be the sole interpreters thereof.

At the same time economics worked in a similar direction. Calvinism itself placed emphasis not only on one's social duty to one's neighbor, but also on one's obligation to work, both to avoid sin through the temptations of idleness and to achieve success, presumptive evidence of God's favor. For if the production of wealth was not the end of man, and if both the acquisition of wealth and the uses to which it was put were rigidly controlled, nevertheless man must not waste his time. Indulgence of any sort was dangerous, and indeed wicked. Hence, when men were not worshipping they must be producing; otherwise, being weak, they would surely succumb to temptation. If one must produce, one must not spend. Hence one could accumulate capital, which one could then invest to do more work.

Ultimately those who grew wealthy became increasingly interested in mundane affairs, desired to enjoy the fruits of their labors, and wanted a share of political power to further their interest. Now, because the Puritans were rebels against an

aristocratic landed society, they did not set up in New England a similar type of organization. The elect might grow prosperous, but the elect did not possess a monopoly of productive instrumentalities. They based their claims as a group primarily on superior goodness. Nor would the nature of the New England terrain have made large-scale estates a suitable form of organization, and at the same time the surrounding wilderness enabled the enterprising to achieve economic independence regardless of the social-economic system of the settlements. Moreover, the possibilities of getting wealth from other activities were by no means slight. As a result, goodly numbers within the confines of the Bay Colony also gained economic independence. Some who were not elect became wealthy, and even many of the elect found in the long run that fortune-making was as important as godliness. The demand for the extension of power to persons of property could not ultimately be gainsaid; and nascent capitalism, boring from within, as well as from without, tended immediately in the direction of democratization.

For a considerable period, however, discussion proceeded without direct reference to economics; and indeed with its main emphasis on theological rather than obviously political problems. Nevertheless, even under this guise, the struggle was rapidly joined and the essential issues involved were clearly formulated.

*The Political Ideas of John Cotton:
an Aristocracy of Theocrats*

It was in Massachusetts Bay Colony itself that the theocratic ideal was preached and practiced in its most complete form. Its ideas may be seen in the works of John Cotton and of John Winthrop, between whom there is little difference in basic principle, though their respective positions led to some differences in emphasis. Cotton was, after all, a priest, a member of the clergy, whereas Winthrop was a magistrate, and indeed for a considerable period the chief magistrate of the Colony. Neither of them was primarily concerned with giving formal writ-

ten expression to theological or political ideas. Both, rather, were interested in the practical success of a new undertaking, though their tools were necessarily different. Cotton was the teacher and preacher who by spoken word and with the full voice of authority endeavored to impress on men their moral duty and the correct Calvinistic beliefs as to the nature of man and the universe. When he wrote, he examined ideas only in terms of specific issues in which they were involved. Winthrop was essentially an administrator concerned with the day-to-day tasks of government. He was anxious to prevent anarchy and to create an orderly society, though this was to be done in terms of given theological truth. It is therefore intelligible that neither one created any original or profound political thought. Nevertheless, their ideas deserve some slight examination.

Cotton (1584-1652) was already in middle life and presumably set in his ideas when he came to this country to be the first teacher of the Boston church, a position he held for some twenty years. Thoroughly schooled in Calvinist theology, he sprang from a high middle class social position and was by his whole training an aristocrat. The two forces quite intelligibly led him to defend the idea of aristocratic government based on godliness. The ultimate sovereignty of the world was that of God, whose laws were all contained in the Bible. It was the duty of men simply to apply God's word: they had no right to change it or to consider issues in terms of earthly convenience. What was useful and what was profitable were far less significant than what was right; and what was right was so in terms of the premises, which were both permanently decided and clearly known.

It may be pointed out here that this was essentially a doctrine of higher law quite in the medieval sense, save that, since priests and magistrates were two arms of a unified whole, it was not a technique for attacking authority in the state, but for defending it. That higher law idea was subsequently, in the form of natural law, to provide a basis for the attack on England's authority over the colonies. It may be noted that this later development, while intended primarily to afford a basis for undermining the claims of a government adjudged arbitrary, led ulti-

mately to democracy. Its use, however, as a critical tool was in certain respects very similar to Cotton's use of the "higher law" as an attack on the divine right of kings. Where Cotton challenged kingly authority in terms of the all-sufficiency of Scripture, a later age could deny parliamentary authority in terms of the all-sufficiency of reason, which taught that men are equal. It may perhaps be further noted that after the Revolution the idea of a higher law, in the form of justice, was used by men like Hamilton and John Adams to attack natural rights doctrine in its egalitarian implications, much as Cotton now used it in the service of an ethical aristocracy.

The higher law idea is in its essence the claim that might is in its application not necessarily synonymous with right. However, while it may be used to defend the existing government, whether majority or minority, against the assaults of interests or of numbers, it is equally available to the attackers as a means for undermining the position of those actually in power. It can be useful as a critical weapon to force the authorities to offer some defense of their position other than the mere possession of power. It is of dubious value as a foundation for an existing government in the moral, as distinct from the propaganda, sense, since the basic principles which it is supposed to contain are apt to be both interpreted and applied by imperfect men with particular interests.

Cotton, we have noted, used it in both senses, undermining the claims of kingship and justifying the power of aristocracy as against the fallen mob. That his proposed code, embodying the fundamental law as he saw it, *The Model of Moses, His Judicials* (1636), was rejected, is an interesting commentary on the second use of it, and is prophetic of what was to come. For Cotton, the magistrate was an interpreter of the higher law and should not be called to account or removed from his office save for a just reason, that is, unless he became arbitrary and clearly made rules in terms of his own judgment rather than under the law of God. Consent or examination by the people was not justifiable since they were damned and the magistrate was elect: only a priest stood over him and could call him to account. In reality this was to substitute a new divine right for the old. Yet,

as we have already implied, once one insisted that any authority could be examined or challenged, it was somewhat difficult permanently to establish a new one that should be beyond the scope of rational judgment. Men, unwilling forever to admit their intellectual and social inferiority, particularly under the conditions of Colonial life, demanded the right to consent. From that it was not a far step to democracy, as it subsequently developed.

While the higher law was fundamental to Cotton's thought, he also employed a somewhat more realistic argument in defense of aristocracy. Kings, he argued, were readily corrupted by power. They were in constant danger of falling into error or indulging in excess. They were not wise or godly enough to stand alone. Hence kingship was a poor form of government. Aristocrats, on the other hand, exercised mutual restraint over one another and prevented any departure from moral principle. The individual among them might be mistaken, but their decision as a group was sound. This, however, surely suggested doubts as to whether the members of the godly were in fact elect. Though one might justify their collective power on the ground that the sense of the meeting would be God's will, it might readily be questioned why they, and they alone, were the elect, granted that they shared in common human fallibility.

While the aristocrats were to share power among them, it was in truth the elders who possessed final sovereignty. This they must have, since their position made them responsible to God for the people's well-being; and responsibility without proportionate power is manifestly unjust, if not impossible. They were to be the ultimate judges even of the magistrates whose duty it was to aid them in carrying out their appointed task. The state, that is to say, was to be shaped by the needs of the church as exemplified by its ministers. We thus get a denial of the thesis that the church and state are two rather than one, and a denial also of individual claims to judgment. It is, in truth, an argument for government by irresponsible and autocratic experts, even though those experts be skilled in theology rather than in social science.

Cotton completely condemned the whole democratic idea, and this on two grounds. First of all, the plea for democracy was based on a desire for liberty. Such a desire could only be the outcome of sin. It meant, after all, that men were more concerned with having power and satisfying their wants through its possession than in living the godly life. The possibility that, for the people, the satisfaction of earthly welfare might in fact be the good life naturally never occurred to Cotton. People did not know what was desired by God, and so were not aware of what was good for them. For the good life was the life devoted to serving God by making a universe pleasing in His sight. The doctrine is one of benevolent trusteeship, with its roots in the idea that the few know better what is for the people's good than the people themselves. Power is a trust, but God alone can judge whether that trust has been fully carried out. Certainly the people cannot, since they are fallen and desire that which is evil. This necessitates repression and harsh chastisement, which is necessarily unpopular with those who suffer under it.

Here again we may note the superior value of a theological and non-utilitarian sanction for authority. For once one assumes that some kind of earthly well-being is the end of human association, there is a strong case for arguing that, if the people are not always wise enough to know the appropriate means to that well-being, they can nevertheless intelligently judge the results. If, however, one denies the relevance of such well-being, or indeed condemns it, one is left with a sanction that it is hard rationally to challenge. The people's complaints, admittedly a sign of their discontent, then become a demonstration of their own error and a proof of the need for and value of authority, rather than a means to undermine it. Moreover, while they themselves accept the idea that men are indeed evil and fallen creatures, it is impossible for them to discover a philosophical justification for resistance.

Cotton further argues that democracy is not approved by God in the Testaments, so that once more the demand for it is a proof of sinfulness. Finally he raises a seemingly logical objection by asking the celebrated question, if the people are gov-

ernors, who then is governed? This reveals clearly the idea of society as dual in its nature, with one group governing, but not governed, and the other group governed, but not governing. Yet in terms of Cotton's own premises this was a dangerous position, since all were supposedly equally subject to the higher law, the law of God. We are once more back in the difficulties of a higher law concept as the basis for positive government by a group less than the whole.

Incidentally, it may be remarked that this particular question of Cotton's reveals rather clearly the limited elements in the Calvinist intellectual tradition. Apparently the Greek idea of democracy as a government in which men alternately gave and received orders was either unknown or ignored. Nevertheless Cotton's theory was in a certain sense liberal, since it did reject not only the claims of kingship, but the idea of an hereditary aristocracy, of government by a class chosen in terms of birth. Government had to be by good men ruling on the basis of ethical principle. There was in this both the idea of responsibility on the part of government, of duty, and not simply power, as the force motivating the rulers, and the further promise of opportunity to enter the small and sacred band in terms of character, even though the judgment was to be made by those already within it, and not by popular vote.

We may sum up Cotton's idea of the constitution of the state by saying that he would allow political rights only to church members, who were, not simply the body of worshippers, but the chosen ethical aristocracy among them; that he would grant power to magistrates without even this degree of limited control; and that, finally, both magistrates and congregation were subject to the sovereignty of the elders. Neither in religious nor in political affairs was there to be any genuine self-determination, even among the elect.

This whole theory of government not unnaturally was complemented by certain doctrines as to the claims of the individual conscience and the limitations of liberty in personal behavior and expression. How far Cotton was ever tolerant it is hard to know; though it does seem that in his later years, perhaps as a result of his fears for the survival of a young system if criticism

were allowed, he became increasingly narrow and bigoted. Certain it is that in the end he supported the hounding of that first liberal among American women, Anne Hutchinson. Above all, he showed the narrowness of his vision in his quarrel with the greatest of the thinkers of the first generation of New Englanders, Roger Williams. To the latter's attack on persecution he replied, in *The Bloudy Tenent, Washed and Made White in the Blood of the Lambe* (1647), that it was justified when it was undertaken in the defense of the laws of God, but was to be condemned when it was used for the defense of men's inventions. The latter were ultimately matters of indifference and there was room for disagreement concerning them, since such did no fundamental harm to society. But where the essential ordering of society was concerned, no dissent could be allowed. The concession to freedom was almost valueless, since Cotton himself maintained that the law of God was a scheme of regulation covering almost all of man's activities. Freedom, then, was purely interstitial, and men were to be persecuted whenever they dissented in thought or action in any matter likely to be significant.

Today, it should be kept in mind, when we have substituted secular for theological interest, one finds precisely similar doctrine advanced. Men ought to be persecuted in terms of dissent from men's invention, though they may be allowed freedom in interpretation of God's law. Cotton claimed that freedom was only genuine freedom when it was freedom to follow the law of God. There could be no freedom to sin, since that would thwart the whole purpose of society. Today it is often argued that freedom is liberty under the state's law, that the state should regulate all human activities, and that there is no freedom to do what is wrong in terms of dogmatic theories of social or national well-being. Cotton urged that freedom for error prevented the triumph of God's will on earth. Modern dictators argue that freedom to err prevents the triumph of the national state or of the proletarian class. The emphasis is changed with a change in economics and in psychology. The essential denial of meaningful freedom is the same in both cases.

*Winthrop: Theocracy Modified by the
Needs of Magistracy*

That this interpretation is correct becomes even more clear when we examine the views of John Winthrop (1588-1649), who specifically contrasted natural and civil liberty, a contrast he applied, not simply to the sphere of thought, but in dealing with all civil and political rights. Natural liberty, he held, was evil in that it was the liberty of anarchic individualism, opposed to all authority. It might, indeed, be used for good ends; but it was evil just because it was unrestrained, and made equally possible good and bad behavior. Winthrop, a true Calvinist, did not conceive that liberty to choose was a necessary pre-condition to the development of any genuine morality. What constituted good and evil was known, though only to a select group. It was the duty of the few who did know to impose their truth on the many. Civil liberty was simply moral liberty, which involved a voluntary subjection to authority and existed only that men might do good. The majority of men, being ignorant and fallen, were obliged to accept the orders of those in power, since the latter alone were chosen. Winthrop was completely anti-democratic on the ground that an all-wise God had called those best suited to serve to a stewardship over His people; and they had responsibility to Him. The grievances against their magistrates of those not called were the result of ignorance and sin, and their wishes should be disregarded. Otherwise evil would triumph over good.

This might seem to be a defense of irresponsible absolutism, even though the magistrates chanced to prove benevolent, since it was what they thought good, and not what people desired, that was best for the latter. This, however, would be to misinterpret. Winthrop specifically insists that the duly established government cannot be arbitrary, since God has willed it, and the rulers rule in terms of His fundamental law. Indeed, he goes further and seemingly makes distinctions among the elect. Only the godly may vote; but legislative acts of the assembly are themselves subject to the fundamental law of God,

which is ultimately interpreted by the magistrates, who are most clearly His representatives on earth. They therefore have a right to veto the acts of the deputies. It is for them both to discuss and determine public questions, and the rest of the community must obey. Winthrop admits that the Bible may not be directly adequate as a code of legislation covering all possible social and political problems. This, however, gives no authority either to the mass of the people or to the assembly to make laws, save in the sense of ratifying what the magistrates order and desire. There is a higher law, and the magistrate is the interpreter thereof. He not only applies the stated principles as an executive: he also innovates in terms of his peculiarly intimate knowledge of the will of the Almighty.

Winthrop had formerly been a magistrate in England and had all the sense of authority possessed by that class. His doctrine, indeed, is the doctrine of the sovereignty of judges, who also execute their judgments. He argues for the supremacy, not of a representative assembly, but of judicial offices much in the manner of Coke, save that the Bible is substituted for the idea of a fundamental constitution. While he does not talk of judicial review, his philosophy of the function of the magistrate has much in common with Marshall's view of the powers of the Supreme Court at a later date,¹ save that he would make his magistrate both Supreme Court and President. He admits that the office involves not simply the declaration of what the law is, but the supplementing or developing of the existing code to meet new problems. He fully realized that the judge does in fact make law, though he makes it in terms of a conscience and understanding arising from God's inspiration and blessing.

This whole theory allowed Winthrop at once to defend the rights of an oligarchy and to escape from the rigidities of a strict code. He realized, after all, the problems involved in establishing a new government in a new land; and he saw that the position of Cotton resulted in inescapable difficulties and an

¹ It was John Marshall who first established the principle of judicial review of Federal legislation as part of the Constitution, in the case of *Marbury vs. Madison*. Whether such interpretation was intended by the Founders has been a question much debated by scholars.

impracticable scheme. The idea of the Bible as the sole guide logically led to the static scheme of an ideal society. The outcome of Cotton's premises was that complete code which John Eliot (1604-1690) so bravely, but futilely, propounded and attempted to impose on hapless tribes of Indians. In a new land where environment gave opportunity and fought against the bonds of centralizing authority, the practice of theocracy was at best a singularly difficult undertaking. It could not hope to succeed were there in existence no power competent to adapt and to supplement a rigid code propounded some three thousand years previously, to fit a very different society. That the enterprise managed to flourish as long as it did was largely due to the practical good sense of its first secular director, Winthrop, who, while he was imbued with considerable moral fervor, also possessed some common sense and realized that a scheme of ideal values must be employed to direct, and not to strangle, life.

Both Cotton and Winthrop were, however, authoritarian and aristocratic, both supported a close union of church and state, and both desired a centralizing authority. In many ways they were the precursors in America of the later Federalist school, save that, where the latter realistically stressed the property basis of power, they were concerned with establishing it on moral foundations. This was their weakness because it led them to resist the forces that surrounded them. At the same time it was their strength in that it involved a rejection of that facile identification of the good with the materially prosperous which subsequently so profoundly influenced the American adventure. The New England theocracy might die, and the continued practice of auto-limitation might prove impossible in the face of a new temptation; but the essential idea that government and human life had purposes beyond the earthly ambitions of any governing class, whether minority or majority, continued to thrive and curiously re-emerged in subsequent movements to a greater or lesser extent radical. Such were Transcendentalism and Perfectionism. The first, the philosophy of Emerson and Thoreau, attacked the nastiness of incipient industrialism in the name of freedom for personality. The second, the work of Noyes, involved an escape into a disciplined community,

coöperative in character, designed to improve the moral, mental, and physical stature of the social animal.

Thomas Hooker: Puritanism Democratized

The ethical fervor of Puritanism was, however, by no means confined to the group that correlated the concept of the supreme moral law of God with the political necessity for a centralized and rigidly aristocratic government. It is to be found also in the more democratic Puritanism of Hooker, as well as in the radical Protestantism of Roger Williams. As they variously developed it, it was more consonant with the existing environmental conditioning; and its later manifestations, being either democratic or ethically individualistic, perhaps owe as much to them as to the narrower theocrats.

Thomas Hooker (1586-1647), the founder of Connecticut, was by no means a radical. He accepted fully the Calvinist theology and ethics, but did not infer from the idea of predestination the necessity on earth for a centralized government by a small aristocracy. Rather, it seems, he was prepared to admit that the question of who was saved was a mystery whose solution was known only to God. Hence men should be treated as equal in this life. Above all, he desired church government itself to be democratically organized, leaving it for each congregation to decide its own affairs. He objected to the doctrine of an alliance of churches, to consociation, with an aristocratic synod as a final and superior authority. That was the idea of Cotton, and later of the Mathers, an idea that offers once more some intriguing comparisons with the view of the newly established government under the Constitution taken by the Federalist party. Hooker, rather, stood for de-centralization in church affairs, for self-government by individual congregations, and, by analogy, for political government by the town meeting. As the title of his chief work, *A Survey of the Summe of Church Discipline* (1648), indicates, his main emphasis was on religious organization. But he carried his ideas over into the political sphere, although for him, as for the Massachusetts theocrats, the two were not basically separated. When, however, at a later

date such a separation did occur, we can discover the survival of Hooker's essential ideas in the democratic doctrine of a diminished central government and the support of local autonomy.

Hooker, we may incidentally note, did not by birth belong to the upper class Puritans, and in subsequent life he never gained wealth to the degree that usually provokes and accompanies a spirit of authoritarianism. He had come to this country because of the persecutions under Laud in England. His motives in so doing were seemingly purely moral and theological, unconnected with ambition for property or social prestige. He went to Hartford for similar reasons, being unable to stomach the gradual inroads into the freedom of the individual churches made by the scheming and self-righteous Cotton and his fellows.

There he established a new society with a new government, a government that was to function under a code of basic laws drawn up with a view to colonial problems and with special emphasis on rights. The celebrated Fundamental Orders, frequently called "the first written constitution of modern democracy," undoubtedly owed its inspiration to Puritanism and was intended to apply the law of God to earthly existence. That it *was* a written statement relevant to existing conditions, whatever its ultimate inspiration, allowed men to know with some accuracy where they stood and gave them legal rights. Theocrats like Cotton and Winthrop might be perfectly sincere in their moral aims and might genuinely believe that their decisions were inspired by God. Yet the lack of subjection to any constitutional scheme, apart from a charter made in their own interest, opened wide the road to arbitrariness and to tyranny, the more so since they were the exclusive interpreters of God's word, and the teachings of Scripture have rarely been equally plain and clear in the same sense to all men. That even a written constitution of a democratic character will not, in the long run and of itself, prove an adequate protection to the individual, granted the existence of particular interests or a lack of goodwill, is today abundantly clear. In Hooker's time, however, such a constitution was at least a signal departure from the habit of autocracy that was shared in common by the

despots of Europe, by the Puritans of Geneva and America, and also, after 1688, by the English gentry who dominated parliament.

It is, indeed, his objection to magisterial autocracy that justifies one in attributing to Hooker a democratic philosophy. He combined this with the theory of the sovereignty of the people and, where the Puritans inferred from man's Fall the necessary ignorance and wickedness of the majority, Hooker did not find the premise inconsistent with the conclusion that the people collectively possessed a considerable degree of wisdom. Authority, he felt, should be exercised on their behalf; and this required consent. The people had the right to appoint magistrates, and by the same token they could limit their functions. Advocating decentralization, he denied that a central government should impose harsh qualifications for citizenship. Decision on that question was again to be made by the individual townships. Not only were magistrates the products of popular sovereignty, with duties to their constituents, and with a right to direct government only so long as they observed the limitations imposed on them: pastors, the religious teachers and preachers to the people, were also appointed by the people and given authority only by consent.

That Hooker could have held such views and still remain a Puritan may seem almost unintelligible. Before coming to America he had, however, gone to Holland, and there had come in contact with the Lutheran idea of the priesthood of all believers, a doctrine that led him to stress the democratic implications of Calvinism itself. The ultimate basis for his viewpoint lay in the quite logical inference that, if God's will were alone absolute, no earthly authority could claim unrestricted power. Nevertheless in what way this could lead to the sovereignty of the people, which was also a kind of absolutism, is not very clear. Presumably Hooker believed that there was a limitation imposed on any part of the people by fundamental constitutional right; and we may perhaps assume that these general principles seemed to him to embody God-given truths of a minimal character on which all would agree. The Monarchomachs had insisted on the limitation of kingly authority by magistrates, as

representing the people, even though they had feared democracy; but, as we suggested when analyzing their thought, the undermining of authority could not stop there. Hooker, as well as any other man, represents the next step towards the democratic conclusions of the Protestant premises. Nevertheless, despite his congregationalism and his advocacy of town-meeting government, he is unconcerned with general social reform and, if tolerant, is not an advocate of complete freedom of thought and expression. Nor is he concerned very greatly with the ultimate bases of obligation. He makes the unit of government the local community: he does not question the right of the majority within it to bind the minority.

*Roger Williams: Religious, Political,
and Social Liberalism*

It was the task of Roger Williams (circa 1604-1684), the sole great thinker of his time in America, to investigate such problems. He is that rare mortal whose intensity of religious feeling leads to the rejection of all theology and to a complete scepticism concerning any formal creed. With a sublime mystic conviction that there is a God, and that that God is the foundation of the whole universe, he yet perceives the limitations of man. He recognizes that he himself, at least, has never fully penetrated the mysteries of God's intention and man's fate. Accordingly, he is a Seeker, aware that he has not got, and presumably never will possess, the whole truth, and so always searching eagerly for further enlightenment. More than that, he is even prepared to recognize that some of his own beliefs may be erroneous; but this does not lead to his rejection or questioning of his ultimate faith.

Such a viewpoint necessarily made him antagonistic to the New England theocracy with its certainties and its formal schematization. Like Cromwell, he is constrained to ask his opponents to bethink them that they may be mistaken. Their incompetence to understand or to share his doubts leads to his expulsion, and ultimately to the founding of Rhode Island as a

haven for the oppressed and for those who are still pursuing the will-o'-the-wisp of truth.

His mysticism does not drive him into a rarified atmosphere where men live regardless of contemporary problems: rather, it involves the search for a society on earth that will permit differences but that will also be harmonious because of the good will of men who recognize that they are in common pursuing a better understanding of vital questions.

Williams, accordingly, was a radical in political thought, a leveller attacking artificial distinctions and the use of authority to limit the workings of the human mind or the living of life according to the dictates of individual conscience. His, however, is a romantic, and not a realistic, radicalism. It arose, not from a resentment against economic misery, and not merely as a doctrine of class struggle. It rested, rather, on a faith in the goodness of human beings, in their capacity to live together in peace and reason without imposed restraints. Although he founded a government, and even condemned bitterly one William Harris, who joined the Quakers and perverted their teachings concerning the limits of political authority for the defense of social disorder, Williams was in a real sense a precursor of that philosophic anarchist, Godwin, though without the latter's peculiar brand of rationalism.¹ He has, too, something of the temper of the critical and Protestant Rousseau,² though he happily does not allow a passionate search for freedom to end in its complete denial. He is an individualist who loves his fellows, and perhaps believes that they are capable of similar emotions. Certainly he rejects entirely the Calvinist concept of man as a depraved creature, stressing rather the worth of the human soul as such. His is a true Christian universalism, a doctrine of mercy to all and of worth in all, regardless of their beliefs or of their social position.

¹ Godwin was an English political philosopher of the late eighteenth and early nineteenth centuries. In him the doctrine of individual and natural rights arising from reason and applying to men deemed rational is carried to its logical conclusion. His *Political Justice* is in fact a condemnation of the state as unjust.

² See Ch. XXII, pp. 639-640.

Consent, Contract, and Social Authority

Accordingly it is not unintelligible that he should have been an advocate of toleration and of the separation of church and state. Those doctrines, however, were but part of a total political philosophy, democratic to its core. He rejected the whole idea that any individual had a right to exercise any power because of real or supposed distinction in himself, without the consent of his fellows. The state was in essence contractual; and neither birth, wealth, nor the assumed possession of a special and revealed truth gave men a right to lay down laws for their fellows regardless of the desires of the latter. The state was, indeed, sovereign; but it was sovereign because it embodied a kind of general will directed towards the ends of social welfare. The state as such was not a series of specific organs performing defined functions. It was simply society organized for its own well-being. It needed no authority to keep it together, but rose from a recognition by its members that they were parts of one whole marching towards a sole end. They were members voluntarily in terms of this recognition, not by compulsion; and the attempt to constrain them in the name of the state was, not simply unnecessary, but also destructive of the meaning of that institution.

It was government that carried out certain functions practically necessary for the well-being of the social organism; and that government was an agent of this general will, responsible to it, and having no inherent rights and no independent position of its own. It was, no doubt, divine in its origin, but simply because it was natural to man, a necessity of his situation in order that his well-being might be promoted. It was emphatically not divine in the sense that God commanded some specific form of social arrangement, permanent and unchanging, regardless of human problems and needs. Government was essentially secular, directed towards the preservation of peace and of a social order under which men might thrive. It was not its business to deal with matters of belief, which were the sole concern of the individual. There was, that is to say, a sphere of rights

where individuals could think, and even do, as they liked without disturbing the peace or harming their fellows in a similar pursuit. All men were equal in their rights, in that they were equally free to do as they desired within these spheres.

Government rests on consent, on contract, but certain liberties are fundamental and cannot by their nature be dealt with through political organization. Government is requisite to avoid the dangers of anarchy: positive moral well-being comes from individual choice and individual freedom. The sovereignty of the people does not give to any portion of it a claim to deprive other portions of freedom in matters that are internal and cannot be properly dealt with by external sanctions. The people are, indeed, the state, which is society in an organized form; and as such they control the government, which is political organization as it functions. That government must be used for the common well-being and must be responsible. But the state is not Leviathan: it is the diminished state, owing to the limitation of the number of activities proper to it.

Government exists, as we have before noted, through contract; but that contract is not an hypothesis, nor yet a past surrender. It is rather the ever-existing and ever-changing will of the people, willing certain ends, and commanding the government to function in the service thereof. It is a mutual agreement as to what shall be done for the social organism, an agreement reached through an analysis and discussion of problems and a compromise embodying the sense of the meeting. It creates the state ever anew, in the sense that the state only exists while this mutual agreement continues. The agreement limits government, because it is not simply an agreement on a particular issue, but embodies ends. Union may be its object, but it is not any sort of union: rather it is a union tending towards what is just, rational, and natural. The test is no doubt expediency; but it is the higher expediency, the adaptation of general principles of public morality, ever the same, and always fundamental, to specific conditions—not chance bargainings and compromises without purpose or end.

That this contract may be continually renewed, that consent

may never result in alienating the right subsequently to consent, it is necessary that there be either a direct or an indirect democracy, a democracy of the town meeting or a democracy of representatives. This choice is itself to be made in terms of size, and hence of convenience. As conditions change, that democracy will express itself in ever-changing laws. Similarly the people can establish any form of government, any agencies that they desire and think necessary or suitable to carry out their will. They give authority for their purposes, and what they gave they may take away as those purposes change. Nevertheless behind any particular and immediate purpose there lies one final end, the maximization of individual well-being and freedom. This, and nothing more nor less, is the whole object of the state.

Individuals may, it is true, be coerced, may be punished, and may be limited in their freedom, but only for good reasons. I may be restricted where my freedom would deprive another of freedom or would otherwise hurt him. I may not be limited simply in terms of the convictions or desires of some part of the people where my freedom does them no harm. This, essentially, is the position taken by J. S. Mill, the celebrated nineteenth-century English liberal, in his *Essay On Liberty*. Lest majorities tend under a democratic scheme to become themselves tyrannical and to ignore the proper limitations on their activities, there must be checks on them. Ultimately the only successful check is social custom, the defense of freedom as a habit of mind and an established usage. A tradition must be built up that will make all, majority and minority alike, conscious that power is a trust to be exercised for the well-being of the whole; not a right on the part of the possessor that he may employ for his own ends.

Nevertheless, to supplement this rather vague control, Williams argues that it is necessary to have certain constitutional arrangements. Local home rule, he is one of the first to insist, is a bulwark of democratic liberty. It should be supplemented by the initiative, the referendum, and the recall, that those governing may ever be made aware of their dependence on the popular will, and that that will may be able to express itself regardless of, and apart from, them.

Church and State: Full Liberty of Conscience

From all this it follows, as Williams so persuasively argued in his great work, *The Bloody Tenent of Persecution for Cause of Conscience* (1644), that the church has no peculiar authority of its own over the citizen, and that it cannot be established or supported by the state. It is nothing but a group of like-minded men bound together by some common interest and pursuing an end they chance to share. Essentially it is voluntary, and men may belong or not as they please. But, by the same token, any church has a right to exist, since the matters which it deals with are outside the proper purview of governmental authority. To deny it such a right would be to use political power in a sphere where it is irrelevant and to prevent men from achieving that maximum well-being for which governments are instituted. The success or failure of any particular church does not involve the safety of the state, however important churches may be for the souls of their members. This thesis involved the emphatic rejection of the concession theory of corporations, and implicit in it is an anticipation of a certain form of that pluralism which was to be developed only in recent decades.¹

Citizenship is for Williams essentially a secular affair, and the state aims at earthly well-being. For the state to persecute religious groups is completely foolish: persecution promotes hypocrisy, and thereby lessens men's natural coöperativeness and goodness. Moreover, when there are several religious groups within a state that concerns itself with religion, a civil war results, with the destruction of that very earthly peace which it is the duty of the state to secure. The existence of many religions is not destructive of true Christianity, does not weaken the genuine religious conscience, whatever its effects on those for whom religion is a mere matter of forms. Finally, it is fairly clear that, if men are sinful in matters of the spirit, it is for a spiritual authority to judge, and the sanctions and punishments applied

¹ Those who today plead for a pluralistic state go further, insisting not only that groups exist independent of the will of the state, but that the state is itself a congeries of such groups. Yet in arguing that trade unions arise from function, not from the state's will, they repeat the arguments of defenders of liberty for church associations, though the doctrine of two spheres is not available to them.

must likewise be spiritual. Men must be allowed freedom to persuade others that they are in error, that problems may be examined and the truth winnowed. They must not be allowed to use force. Religious liberty is a fundamental right of the human being as such, and it has nothing to do with government. The state cannot decide whether to tolerate or not to tolerate. Its sole duty is to remain entirely outside the whole question.

*Williams and Subsequent American
Theory and Practice*

Just as the philosophies of Cotton and Winthrop contain the germs of later aristocratic and centralizing ideas which were to be developed first by the Federalists, and then by the Republicans, so the philosophy of Roger Williams is the forerunner of the whole decentralizing Democratic tradition, as it first developed in the Jeffersonian period. That tradition has also had a continuous history, moving West with the frontier, and still surviving as an element in the agrarian philosophy. The essential difference between these earlier ideas and the later development rests in the fact that the former emphasized the ethical, rather than the purely economic, aspects of the problem of government, although doubtless both sides were subconsciously influenced by economic interest and material environment.

Williams's idea that government must always be in the hands of the living and must express the social will existing at the moment is emphatically repeated by Jefferson with his doctrine of the claims of each new generation and his opposition to the use of the Constitution by John Marshall to bind the present with the past. It is even more clearly seen in the similar attack of John Taylor of Caroline, the great philosopher of Jeffersonianism, who realizes that the theory of sanctity of contract is essentially a class concept developed to hamper the expression of the popular will. A later Populism, anxious for democratic restraints on corporate power, is a revival of the same point of view, while much of the widespread present-day criticism of judicial sovereignty has its roots in this philosophy.

The individualism of Williams is the other side of his phil-

osophy of popular sovereignty, and once more it may be noted that the subsequent development of American democratic and radical ideas has combined the two. The desire to limit the power of wealth of giant corporations has sprung, not from a philosophy that minorities should be unprotected, and not from an attack on the reserved powers of individuals: rather it has been the product of individualism, of a recognition that corporate bodies were not properly individuals, whatever their legal status. Thus the radical thought of America has in the main, at least prior to the last decades, differed fundamentally from the collectivist thought of socialist groups in Europe. It has been concerned with the attainment of the independent personality and of the rights of freedom of belief and conscience. But it has recognized that the attainment of such freedom requires economic independence: instead of attacking property it has championed it. Jefferson's attack on manufactures was made on behalf of the right of every individual to have some property in order that he might possess a personality: and in subsequent years there has been a continuous struggle between physiocratic and capitalistic doctrines of *laissez-faire*, between the disciples of Quesnay and the successors of Adam Smith. The former has been essentially democratic, insisting on property for everyone as a means to personal fruition. The latter has emphasized acquisitiveness and materialism, with a frequent forgetfulness that the end in view is the social well-being of independent individuals.

Further, we may note that the ethical aristocracy of the early Calvinists combines curiously with the democratic insistence of Williams on independence for personality in such movements as Transcendentalism. That movement attacks the materialism of a centralizing economic aristocracy, indulges in various communistic experiments aimed at moral rather than material results, and even, in the person of Thoreau, ends in the philosophic anarchism potential in Williams's thought; while at the same time it emphasizes, particularly in Emerson, the ideas of ethical and intellectual aristocracy, ideas, be it noted, curiously shared by Jefferson and basic to his whole theory of education. On the religious side Williams's combination of mysticism and

the belief in the essential goodness of man unfolds at a later date in Unitarianism, which may be regarded as a freeing of mind and spirit from the rigidities of aristocratic Calvinism and the application of reason on behalf of the religious conscience.

Finally, it is interesting to observe that the practical techniques that Williams suggested for the achievement of a genuine democracy, after being generally ignored for nearly two and one half centuries, were eagerly taken up, at the beginning of the present century, by democratic reformers discontented with party controls and the unreality of supposedly popular government. The movement was particularly strong in certain western states, which enthusiastically adopted such techniques as the referendum and the recall. Though such methods have not fulfilled the high hopes of their originators, the belief in their importance and the search for other supplementary techniques to make democracy more real have not died, while the general struggle between the two philosophies we have analyzed continues with an increasing vigor. The essential difference in viewpoint is perhaps that, owing to the triumph of a centralizing capitalism, there has emerged a recognition that the individual alone is powerless and that it is necessary to use a centralized state to free him. Yet the recognition of that necessity has not led to the abandonment of the feeling that it is the individual who is important and that the state is useful as a means to his independence, as an organ to give him the material basis from which alone self-respect and a genuinely confident democracy can spring.

While the germs of subsequent American thought and the main lines of division in that thought were thus already present in early Colonial days, we have suggested that the basis of the philosophy of Puritanism was essentially ethical rather than economic, and derived from a concern with the religious conscience, with men's duty as Christians, rather than from any direct and conscious emphasis on social and class conflicts in the material sphere. Yet already in the Colonial period, and long before the struggle with England and the rumblings of revolt, the economic basis of politics was beginning to be recognized with some degree of frankness. This change no doubt came

largely from the existence of opportunity and from the growth of wealth by wise use thereof. It perhaps first made itself clearly felt among the elect theocrats themselves.

Sewall: from Ethical to Economic Aristocracy

The movement is typified in the person of Samuel Sewall (1652-1730), who combined the sense of ethical responsibility of the Calvinist aristocracy with an awareness that religion was a sound investment. While he was a Calvinist judge, he was also a very successful business man. He united economic individualism with a defense of the rights of an oligarchy and a distrust of the people. He is one of the first defenders of sound money against a demand for inflation and represents all the forces of an incipient capitalism. The aristocracy of Cotton is in process of transformation into the aristocracy of John Adams. While this gives a more fundamental and realistic basis for government by the few, it is nevertheless in a sense unwittingly and unwillingly a democratic movement. For, if Sewall, being of the elect, did not need to challenge it, other successful men not so privileged did; and the impossibility of denying power to those who were, through their wealth, socially respectable and influential in the daily lives of their fellows led to a necessary widening of the suffrage and the substitution of a property for an ethical qualification. The Calvinist creed, a superb sanction for aristocratic government because unquestionable, gave way to a new secular basis for authority that could be analyzed and discussed in rational and earthly terms.

Wise: Realistic Democracy

Such discussion necessarily led to scepticism and made it difficult logically to justify any specific line of demarcation between voters and non-voters, since the question became one of a person's interest in the success of society; and it could be argued by the masses that they were peculiarly and immediately effected by social and political policies. Such a challenge is symbolized by the career of John Wise (1652-1725), who, while

a churchman, nevertheless argues for democracy on secular and historical grounds and, as against Sewall, defends the desirability of paper money and inflation. Once one admits that men's life is an earthly affair it is then hard to defend aristocracy, since its vested interests become obvious.

If secular well-being is man's purpose, then one must argue that the end of government is the general welfare; and one readily reaches the conclusion that, if the masses are not always wise, nevertheless they alone can express what they desire. Before the end of the Colonial period, the underlying issues that were to continue through American history to the present day are already becoming clear; and the conflict between Williams and Cotton gains practical significance by getting the attachment and support of more or less conscious, if still very roughly defined, groups. From these first parties, and then sectional alignments, develop. Yet if these are founded on interests, the original question whether men are good or bad, whether they are to be trusted or controlled, remains.

*Virginia and Maryland: Representative
Government and Toleration*

While the Puritan and Independent philosophies contained the most significant thought developed in America in the seventeenth century and foreshadowed the essential conflicts of viewpoint and interest of a later age, it must not be assumed that they were the sole ideas here developed, or that subsequent institutions derived nothing from other sources. Indeed, before ever the Pilgrims landed, Sir Edwin Sandys, himself the son of a great Puritan, had as treasurer of the Virginia Company, wedded representative institutions to a commercial institution that ruled a whole province; and, despite a troubled honeymoon, the morганatic marriage was to endure.

Nor was religious toleration the exclusive contribution of Rhode Island. The proprietary colony of Maryland, fief of Lord Baltimore, granted freedom of worship to Dissenters as well as to the owner's co-religionists, the Roman Catholics. The colony was not, however, democratically governed, and the

Puritans who settled there deeply resented the necessity for submission to Catholic rulers.

But, whatever the value of representative institutions and of toleration, and however important the philosophies implicit in these practices, there was produced in Virginia and in Maryland little political philosophy during this period. The same is also true of the proprietary colonies of New Netherlands, the Jerseys, and the Carolinas, though doubtless the fundamental issues of political obligation were thoroughly aired in the struggles that took place in all of them to get effective representative institutions.

Penn: Quaker Ideas of Government and Liberty

Pennsylvania, however, is in somewhat different case. Its founder, the Quaker, William Penn (1644-1718), had a profound sense of the moral purpose of government and of the moral responsibilities of governors. No leveller or egalitarian, he nevertheless saw the dangers of irresponsible power and the value of civil liberty. Like Montesquieu later, he conceived of liberty as liberty under law, as obedience to regulations made in terms of rationally defensible principle. Like Montesquieu too, he believed that the spirit of the laws was more fundamental than their source, than the form of government. This spirit, he conceived, depended in turn on the character of those to whom government was entrusted. Himself an upright man, he perhaps failed to recognize that power, however benevolent at the start, is apt when unchecked to become corrupt. He did, nevertheless, provide against abuse by establishing a constitutional system under which there was a bicameral legislature, both branches of which were elected, and a governor, to whom, most remarkably, no veto power was entrusted. In Pennsylvania, too, as in Maryland, there was established religious toleration, based on the Quaker respect for conscience and the doctrine of non-violence.

The contribution from the Colonies outside New England was nevertheless mainly in terms of institutions rather than of theories, at least until after the beginning of the eighteenth

century. Moreover, insofar as ideas were expressed in institutions, they were mainly ideas derived from Protestantism in one of its many forms and from the English political thought and controversies of the Civil War period. These were, of course, modified by environment and interpreted in terms of Colonial problems and social struggles. Despite the differences between the plantation system and other forms of landholding, those problems and struggles showed a generic similarity, while all the Colonies underwent an environmental conditioning in which the predominant problems arose from the necessity for ensuring survival by agriculture and from the more or less immediate presence and influences of our first frontier.

Bibliographical Note

The finest treatment of Colonial thought in New England is to be found in V. L. Parrington's *Main Currents in American Thought*, Volume I, *The Colonial Mind*. Book I thereof is particularly relevant to the material of this chapter. A good brief essay on the subject, followed by interesting selections from Cotton, Hooker, and Williams, as well as certain documents of the period, is that of J. Mark Jacobson in his *The Development of American Political Thought*. There is an interesting chapter on higher law concepts in New England in *American Interpretations of Natural Law*, by B. F. Wright, Jr. His *Source Book of American Political Theory* also has a chapter of extracts from the works of the time. M. C. Tyler's *History of American Literature, 1607-1765* (2 vols.) is still the fullest study of the writers of that age. W. Walker's *Ten New England Leaders* contains useful brief studies of various great leaders in the Colonial experiment. Of Hooker there is a worthwhile biography, entitled *Thomas Hooker, Preacher, Founder, Democrat*, by G. L. Walker. J. E. Ernst has treated of the *Political Theory of Roger Williams* in considerable detail, while his *Roger Williams, New England Firebrand*, is a full-length biography of unusual interest. Part III, Chs. X-XII, discusses William's formal political philosophy, though his views are to be found in their various guises throughout the book. Students anxious further to inform themselves about Penn and Pennsylvania can do so most readily by consulting I. Sharpless, *A Quaker Experiment in Government*.

CHAPTER XXI

Montesquieu: National Differences and Legal Principle; the Attack on Arbitrary Government

Montesquieu's Life: Judge, Traveler, Scholar

CHARLES LOUIS DE SECONDAT, Baron de la Brède et de Montesquieu (1689-1755), was born at the Château de La Brède near Bordeaux. His mother, who brought to her husband a very considerable dowry, came of a family in which Gascon and English blood were mixed. Whether this English element had created any tradition in the family that might account for Montesquieu's interest in that country is necessarily a matter of speculation. His mother, however, died when he was seven years old. Montesquieu was educated at the Oratorian School of Juilly near Maux, whence he went to the University at Bordeaux. His father died when he was twenty-four years old. A year later he became councillor to the Parlement, that is, the Court, at Bordeaux, thus beginning his connection with the administration of justice. In 1715 he was married to a Protestant who brought more money than brains to the common stock. Whether this marriage was an evidence of a more than usual tolerance, or whether it produced it, is also a matter of speculation, though such evidence as there is suggests that the marriage was happy. One year later, again, an uncle died, leaving to Montesquieu his title and, what was not less important, a considerable fortune and an important judicial office in Bordeaux.

It may here be remarked that while the different branches of the family enjoyed a decent distinction and a reasonable com-

petence, they were of the lesser rather than of the greater nobility. As a result they lived out their lives in the provinces, caring for their estates and looking after their business affairs, rather than wasting their substance and their abilities at court, quarreling over petty questions of precedence and abandoning the peasants dependent on them to the exploitation of bailiffs. They were not, on the other hand, to be numbered among the excessively poor nobles who lived in châteaux they could not keep up and who were unable to enjoy either travel or good society. They were, rather, persons of some significance in Bordeaux and the neighboring country. That town, important from Roman days, enjoyed during the eighteenth century a considerable revival and expansion in its fortunes, which had previously been somewhat stagnant. It was one of the centers of the rising bourgeoisie, and doubtless Montesquieu had admirable opportunities to observe that class, with whose viewpoint he in some respects identified himself.

Certainly the ownership of the right to dispense justice in Bordeaux must have given him a great deal of practical experience, not only of legal but of business affairs, while not impossible it helped to mold his attitudes towards government. As we have pointed out in an earlier chapter, such private judicial offices, while they might at one time have proved a hindrance to centralization, had by Montesquieu's day become a means of securing some independence from a centralized and despotic monarchy. Granted a reasonably conscientious and unbiased incumbent, such courts offered a greater chance of attaining justice than was otherwise open.

Montesquieu, then, had the advantage of living and developing in an atmosphere of law and commerce. He avoided the necessity for looking to king or nobles for position or preferment. This may help to explain his liberalism and his opposition to arbitrary absolutism. In his youth he had shown himself somewhat more studious than was usual in his class, having a great passion for reading and, what is more, for reading widely and deeply, if not always discriminatingly. With the passage of years, this scholarly interest was to grow rather than diminish. Nevertheless, as a young man he gave, apart from



Montesquieu

this eccentricity, no very clear signs of genius. He seems, indeed, outwardly to have conformed to the ways of his fellows, developing the social graces and the wit so valued in his day.

When he inherited his judgeship, he undertook the task accompanying that privilege with a perhaps unusual conscientiousness, and endeavored to deal with cases in terms of principle rather than of mood or prejudice. His incumbency of this office stimulated in him an interest in legal problems, while his intellectual background caused him to look at law in a wide way, seeing its connections with history and concerning himself always with the basic principles of human justice. He held the office for twelve years, during which period he also found time to contribute papers on a variety of subjects, both philosophical and scientific, to the Bordeaux Academy.

*The Lettres Persanes: Criticism of
French Society and Government*

To this period, too, belongs his first published work, the *Lettres Persanes*, which was printed anonymously in 1721. It achieved an instant popularity and already gave its author a considerable reputation. Yet in some ways it was misleading as to his ability, for at least superficially it seemed simply a piece of devastating wit attacking the follies embodied in French institutions and the prevailing *mores*.

In it Montesquieu adopted that technique, subsequently so popular, of bringing wise men from the sensible eastern world, in this case, Persia, to Paris, the center of western civilization. There they write home letters in which they comment amusingly and critically on what appear to them the quaint and irrational practices of a strange society. The work itself was not significantly different in intention, however superior in execution, from many later works of the same character. It was, it is true, the first important work of its kind, and it provided a technique by which rationalists might expose the absurdities of their own civilization. In this sense it may perhaps justly be called the first work of the *philosophe* movement. For such criticism, if wittily executed and not too obviously profound,

evoked laughter from the very victims of the envenomed barbs. The lesson that the existing society was painfully inadequate could thus be taught without risk and without offense. The method was similar to that later employed by Shaw in attacking the irrationalities and abuses of contemporary England, though without the latter's manifest seriousness; and Montesquieu's use of it gave him a considerable circle of readers, but since his serious undercurrent of thought was well disguised, the depth and sincerity of his passion for liberty and justice were not recognized, even if the use of reason as a critical tool was encouraged.

Still today the book retains its power to provoke laughter. Now, however, seeing it in terms of what was subsequently thought and done, we perceive more thoroughly and more correctly its deeper significance. It may be added that it is also the most compact and readable of Montesquieu's works. Certainly it was a pointed satire of the whole compass of contemporary life, revealing the follies of the established rulers in the social, political, ecclesiastical, and literary spheres. If mockery is the beginning of destruction and revolution, Montesquieu builded both better and other than he knew. From another point of view, however, it is necessary to note that before his time the evils of French government and of the economic system had been subjected to painstaking and detailed analysis, as well as to lighter criticism, while proposals for specific reform had been made and had gone unheard.

In the period following the *Lettres Persanes*, Montesquieu published two or three minor works of a literary character, which did little to add to his reputation. He still remained the brilliant man of wit, and had not yet become the profound analyst of human society. In 1725 he was, however, elected to the Academy, but the election was annulled through the pressure of certain opponents by invoking a rule, which had not been used for a long time, requiring residence of members in Paris. Whether this had anything to do with Montesquieu's selling the life tenure of his Bordeaux office in the subsequent year and removing to the capital is not clear. It does seem probable, however, that he was becoming bored with sitting in court and adjudicating petty squabbles. Not impossibly, too,

he found the atmosphere somewhat confining and did not particularly enjoy public appearances as a judge or his power over other people's lives. One also gathers that he was somewhat uncertain of his qualifications to carry out his functions adequately and felt the need for more knowledge. Certainly his interest in intellectual matters and his desire to study continued, perhaps stimulated by the realization that he himself could write effectively and that the successful author gained distinguished position by his work, particularly if he was a person of birth and breeding.

The next few years were spent between Paris and La Brède. In 1728 Montesquieu was finally elected to the Academy. Thereafter he decided to supplement the knowledge acquired from books by contacts with different peoples and governments. Accordingly he traveled, visiting various capitals and important cities in Europe. Such a tour was becoming almost a necessary part of the education of a young man of family, and it was particularly likely to appeal to one with the beginnings of reputation who was interested in government and social problems. Montesquieu visited Austria and Hungary and then went to Italy, where, like Harrington in an earlier period, he was particularly interested in Venice. In that country he remained for a year, after which he followed the Rhine down to the sea and so came to England.

His reading had already given him a particular interest in English institutions and it was natural that he should spend a considerable time, some eighteen months, there. First-hand acquaintance reinforced his favorable sentiments towards that country. He was deeply impressed by its form of government, by the liberty of its inhabitants, and by their character. It was, indeed, his interpretation of English political institutions that was to constitute one of the most influential parts of his subsequent work. Together with Voltaire, he was a leader in setting the fashion of French worship of English life and liberty, a worship that, in the form of contrasts, gave practical point to reformist zeal. On his return to La Brède Montesquieu expressed his Anglophile attitude in a practical, if trivial and amusing, manner: he altered his park after the English design.

At this time, too, he began to take an interest in his own genealogy and asserted his seignorial rights. Apparently he had a quite exaggerated view of the importance of his family, which view would have made one of less reserved and prideful temper somewhat ridiculous.

Rome and the Philosophy of History

Such foibles, however, did not interfere with his intellectual development, and in 1734 he published *Considerations sur les Causes de la Grandeur et de la Decadence des Romains*. The work is not written with very great brilliance and seems in some ways fragmentary. It was, however, of considerable importance as a preparatory study for the great work that was to follow, while it is also significant as one of the first modern attempts to develop a philosophy of history not based, like Bossuet's, on the theory that human affairs were the fulfillment of divine purpose. It is true that Montesquieu, unlike Vico, who is his chief precursor in this field, accepted somewhat uncritically the accounts given by the Roman historians themselves. He was impressed by the balance of republican institutions, and he was among the first of modern historians to be obsessed by the riddle of Rome's later collapse. The title of his work is, indeed, faintly suggestive of Gibbon, who read and reread his words. It was the attempt to discover some general clue as to the course of history and the causes of success and failure in government, an attempt provoked by this fascinating Roman riddle, that finally brought to birth the significant generalizations of *L'Esprit des Lois*. Rome and England were the two great influences on Montesquieu's thought, and his very imperfect work on the former marks the transition from the literary wit to the serious philosopher.

.The Spirit of the Laws: *Its Character*

Had Montesquieu not at the age of fifty-nine, seven years before his death, brought out *L'Esprit des Lois* (1748), he would not have commanded the attention of subsequent students of

government. Its appearance startled and amazed his contemporaries, hitherto unaware of his profundity, and at once put him among the great thinkers of the day. Indeed, perhaps it is not too much to say that it made him *the* great thinker. At that time Rousseau had not written and Voltaire was still chiefly distinguished as a writer of classical dramas, then greatly appreciated and now almost forgotten. Despite the manifest differences in approach, this work clearly established Montesquieu's right to be called the father of the *philosophes*. Certainly we err if, forgetting his influence, and too impressed by the rationalism of the eighteenth century, we attribute to Locke the exclusive paternity of the group.

The book was published at Geneva, owing to the French censorship. The danger of its moderate and balanced criticism, more effective than fierce denunciations, was recognized by the powers that were, particularly by the church. It was at once put on the Index, and the Sorbonne considered, though it did not execute, a formal and regular censure. This in no way hindered Montesquieu's triumph. The work went through some twenty-two editions in two years and became a classic immediately. Montesquieu, whose greatness was saluted throughout Europe, spent most of his time from then on at La Brède, writing and studying, though none of his subsequent works added particularly to his reputation. He died in Paris in 1754 during the course of a visit to dispose of his town house before a permanent retirement to the country.

Today his great work is rarely read, students usually confining themselves to a single chapter on English government in which Montesquieu sets forth the celebrated doctrine of the separation of powers. It is a long work, consisting of thirty-one books grouped in six parts. These books are, in turn, divided into an infinite number of chapters, many of which are simply paragraphs. Such a style of presentation is unfamiliar to us, and the impression is widespread that Montesquieu's book is unorganized and incoherent, while some who have not read it consider it heavy and dull. Neither impression is justified. It develops slowly, with many seeming departures, which are in truth illustrations, from the main theme. Yet the total impression is of a

single thesis developed in all its aspects. The contrary view is largely due to our over-emphasis on two points in it, first that separation of powers above mentioned, and secondly the stress on climate as a political and social factor. As to the entertainment contained in it, it is perhaps sufficient to note that Madame Du Deffand, mistress of one of the greatest salons of the day, and herself a famous and witty talker, observed that it was *de l'esprit sur les lois*, wit about the laws. The judgment, if not without a grain of truth, had the superficiality frequently connected with epigram. Certainly it rebuts the accusation of dullness.

Nor did Montesquieu's contemporaries miss the thesis and its significance, or fail to appreciate the value of so magistral and painstaking an inquiry which supported hypotheses by countless illustrations and a wide, if not always accurate, historical knowledge. The work made an overwhelming impression, and was greeted as the greatest book of the century, a position it still holds in the view of many scholars. Montesquieu was himself well aware of the greatness of his performance; and if the boast on his title-page, *prolem sine matre creatam*, an offspring born without a mother, was exaggerated, showing a queer unawareness of Bodin, as well as an ignorance of the Italian Vico, who had written a few years previously and been unwarrantedly ignored, his originality was nevertheless great and his synthesis of ideas unique.

*Fundamental Principle and Particular
Circumstance*

What was Montesquieu trying to do? Essentially he was concerned with the varying application of fundamental principles of right to the necessary changes in men's condition, that they might be governed appropriately, with the greatest skill and to their own greatest benefit. He was not, like certain of the *philosophes*, a deductive rationalist who, starting with supposedly uniform principles of human nature, endeavored to construct an abstract scheme of government suited to man as such, regardless of situation. Both through reading and observation, he was impressed by the mutability of human affairs and by the variety -

of conditions under which men live. He had a thorough appreciation of the difficulties of government and knew full well that a paper scheme was doomed to failure if based on a concept of rational beings that neglected the influence of specific conditions.

Yet while this was true, it was not his object simply to describe men's irrational behavior, or to suggest the techniques by which governments could, by whatever means, get their submission. Though circumstances were diverse, necessitating differences in government, there were nevertheless rational principles of morality by which the success of governments was to be measured. History, indeed, was an illustration of the force and prevalence of such principles. If government had to adapt itself to specific conditions, it was not to be judged successful or otherwise simply by its power effectively to preserve itself and to achieve obedience. Like Aristotle, Montesquieu believed that the state was to be defined teleologically, in terms of a purpose that was essentially the good life of the community considered as a whole.

Yet this ideal does not achieve itself, and is not always to be attained in its full purity. What we must look for is the best partial realization of the ideal possible under any existing conditions. Montesquieu follows the tradition of the natural law philosophers, though it is rather the natural law theories of certain Roman lawyers and of Grotius than those generally prevalent in the seventeenth and eighteenth centuries that have his approval. Essentially he revives the old contrast between *ius naturale* and *ius gentium*, seeing the latter as a partial embodiment of the former, with a view to the existing conditions of a particular people at a specific period in its history.

Law, Natural and Positive

As he puts it, government consists of the adjustment of universal principles of natural law to special conditions. Universally recognized principles of right do exist. We fall short of them because we are not perfect beings living under ideal conditions. Yet we must try to approximate to them, insofar as our imperfections and our situation allow. Here it is to be noted

that Montesquieu sees two main reasons for the impossibility of perfection. On the one hand is the psychological, the limitation in the spirit and nature of the human material itself; on the other, the physical, the limitations imposed by the particular environment that forms the inescapable background of our lives. The problem is complicated because the two, conceptually distinct, interact constantly on each other. It is from this recognition that Montesquieu's subsequent discussion of climate and its relation to form of government arises.

Despite the qualifications imposed by particular circumstances, the working out of general principles is everywhere to be observed, and all history is an illustration of this reality behind appearance. These principles Montesquieu calls law; and it is with them, and not with particular man-made laws in and for themselves, that his work is concerned. Law is a sociological phenomenon, part of the very warp and woof of human society, and an inescapable condition of its existence. Laws are, in his words, the necessary relations springing out of the nature of things. They are therefore universal.

In a non-political society the laws of nature, those basic and uniform principles of morality, rule directly. They are the laws applying to men *qua* men. Here Montesquieu shares the general position and faith of the rationalists. Yet in a state of nature, a condition he does not precisely analyze, men are timid and uncertain, lacking in power; whereas in an organized society they gain power and lose their fears. Such a statement might lead one to expect another development of the social contract theory and another philosophy of obligation springing therefrom. Montesquieu, however, does not follow this line, and indeed hardly touches the subject. He does not do so just because he conceives of law, and thus of political obligation, as arising from the nature of things. Hence it was impossible for him to argue that it was artificial—conventional—as did those who based natural law upon a Reason above and apart from the specific conditions of human societies. Instead, he assumes an organized society under government, and then considers the types of law that therein apply.

He divides man-made law into three classes. First, there is

the law of nations, law common to all societies, necessary for their intercourse and applicable in international transactions. In this sphere it is perhaps enough to say that Montesquieu on the whole follows Grotius, though with more emphasis on the law of peace and less on the law of war. But in the main he is not concerned with the principles applicable throughout the world, but with the particular requirements of government within an individual country, though we shall later see how he advocated certain important reforms largely international in nature. He is as cosmopolitan and as pacifistic as Voltaire, and attacks international strife and distinctions based on color with a wit no less mordant.

The second form of law he calls political law, that law which within a country determines the relations of ruler and subjects. It corresponds more or less closely to what today we call constitutional law, law limiting the power of government, protecting the rights of citizens, and imposing obligations towards the state on the latter.

Thirdly, there is civil law, law regulating the relations of citizens among themselves, with the state acting largely as an umpire with power to enforce decisions. Under this heading we should put today the law of contract, that law covering men's business and private relationships. Our present-day criminal law would fall partly in both spheres.

The prime concern of individual states is with the formulation and application of political and civil law. The laws made must be related to the period and its needs. What might be appropriate for Athens of the 4th century B.C. might be absurd in contemporary France. Similarly, laws must be related to the particular place. What might be suitable in eighteenth-century China would probably prove useless in England at that same period.

Nor is it sufficient to relate each particular law to time and place: laws must be related also to one another, forming part of an integrated and harmonious legal system. Presumably, this would happen if each law were suited to time and place, though what Montesquieu probably means here is that laws should not be made with one's eye solely on the particular conditions they

are designed to meet, without some consideration of how they are to fit into the body of already existing law. Montesquieu had studied Roman law, with its emphasis on codification, and contrasted the French system, with its arbitrariness and lack of plan, unfavorably with it. What he here suggests is what the Revolution and Napoleon were subsequently to carry out, the formulation of a series of well-integrated codes, based on principle, but with an eye to tradition and to contemporary needs. Despite Montesquieu's admiration for England, its common law system did not meet with his full favor, although the liberty enjoyed thereunder, and the flexibility of the scheme and its capacity to meet new situations, commanded his approval.

Forms of State: Their Underlying Principles

From considering the nature of law he turns to the nature of the state itself; and it is his emphasis on the relativity of things in this connection that has given him his reputation as the founder of the empirical and experimental school of politics in modern times. He states emphatically that there is no best form of state, and that the abstract approach is utterly useless. To talk of the superiority of a republic to a monarchy is to talk supreme nonsense. One must always ask the questions, when, where, and for whom? The decision as to which form is most suitable will emerge from one's answers.

It is perhaps worth noting how novel this conception was. Machiavelli had indeed urged that sometimes princely and sometimes republican government was best. Yet he had clearly believed that a republic was the true ideal, and that a prince was at most a sad and unavoidable necessity in difficult times. Bodin, on the other hand, though he was one of the precursors of Montesquieu in his stress on adjustment to circumstances, had been the defender of absolute monarchy as the embodiment of the ideal. Montesquieu stands out by contrast, for, despite his objection to the existing despotism, he has no uniform solution to offer. If he admired republics, he was not unaware of the value of monarchies.

How unusual such an attitude was we shall best realize if we remember not simply the doctrinaire schemes of his contemporaries, but the part that the search for a best form of government had played in the ancient philosophers; while in recent times the dogma of democratic superiority has been the conviction of most of the western world, a conviction that has declined only in the post-war years.

It is this attitude, too, that has led commentators to contrast Montesquieu's inductive approach with the deductive philosophy dominant in the age of enlightenment, a contrast only partially justified, and sadly misleading when it results in the conclusion that Montesquieu was an unreflective pragmatist, unconcerned with basic principles. As we have already endeavored to show, the opposite is far nearer the truth. What Montesquieu did was to take over and apply to the social sciences the whole method of pure science as it had come from Newton, instead of, with Locke, making certain assumptions as to human nature, and then applying one side of the Newtonian method thereto.

If Montesquieu denies the existence of any absolutely best form of state or government, he does not go to the other extreme and deny the possibility of any classification of governments at all, or insist that every government is *sui generis*, a unique phenomenon. His classification, however, does not follow precisely the traditional lines, with monarchy, aristocracy, and democracy as the three exclusive forms. Instead he classifies governments into republican, monarchial, and despotic—at first sight a somewhat peculiar arrangement. It is indeed not impossible that he used the arrangement because it made the special character of the French government of the day stand out more clearly, and aided him in his critical attack on the abuses prevalent thereunder. The reason he gives for such a classification is that governments are to be distinguished not primarily in terms of their outward manifestations and institutional arrangements, but rather according to the dominant principles which they express.

What are these principles? In a republic they are three, vir-

tue, love of country, and equality. Republics may, however, be subdivided into democracies and aristocracies; in the former equality is absolute, in the latter it is, as he expresses it, moderate. What does he mean by these qualities? Virtue is for him the possession of a sound and sober morality, and in general that decency and circumspectness, without fawning hypocrisy and without excessive pride, which mark men who feel that they are not condemned to perpetual membership in a particular class, nor capable of rising only through the favor of acknowledged social superiors. Men are aware that they have a share in public affairs, and gain therefrom self-respect and balance.

Secondly, because they have such a share, they naturally feel a devotion to the country that is theirs, and with which their own fate is intimately bound up. As to equality, Montesquieu thought of it as a social, rather than a purely economic, phenomenon. It was that equality which De Tocqueville was subsequently to find the dominant characteristic of Jacksonian America.¹ Whether the cleavage between a democracy and an aristocracy was so slight as Montesquieu believed, whether both were dominated by the same principles, if with less force in the latter, is a moot question. One should perhaps note that absolute equality, even in a social sense, is hardly to be discovered in any human society. On the other hand, distinctions do prevail in a democracy, which is thus less different from an aristocratic regime than we are wont to believe. This, however, depends on what we mean by aristocracy. If we mean a class that generally supplies leadership and is economically better off than the masses, the lack of clear opposition between the two forms is real enough. If we mean, however, an hereditary and functionless aristocracy, without ready access to its ranks, the contrast may be extreme. But the latter, in Montesquieu's view, was a class to be found only in monarchies.

¹De Tocqueville was a French statesman and scholar of the first half of the nineteenth century whose democratic sympathies were tinged with the scepticism of an aristocratic temperament. He was one of the first of a line of distinguished foreigners to visit and write at length about America. In his *Democracy in America* he analyzed American society and politics as he had observed them, stressing the essential equality characteristic of the country, and finding in it great potentialities and considerable dangers.

Indeed, he finds that the distinctive principle of monarchy is honor, the principle which in ordinary usage we generally associate with an aristocratic regime. Under a monarchy, he states, different classes have their exclusive rights and privileges, which it is to the monarch's interest to sustain and protect. That aristocracy in this sense is normally bound up with monarchy is shown by a mass of historical evidence. Montesquieu, however, was probably impressed mainly by England, with its King, its Lords, and its Commons. Even today, moreover, social distinctions in England are largely dependent on the monarchy.

The third form of government was despotism. This contrasts with monarchy in the sense that the ruler is absolute, unchecked either by formal limitations or by the informal influence of courtiers who are of almost equal rank and birth, owing their position to hereditary right rather than to the monarch's favor. In a despotism everyone is manifestly subject to the ruler, and formal class distinctions are eliminated rather than preserved. Below the ruler is an inchoate mass, kept in subjection by fear. Montesquieu got this concept from the rulers of the East, and in particular from the classical despots known to the ancient Greeks. Whether any despot can rule so absolutely and be so independent is questionable: Gibbon and many commentators since have pointed out that even extreme despots must rely on the support of some group, even though it be only a palace army.

What is important is not so much the precise classification that Montesquieu made as his recognition that these different governments might all have their uses and that what was to be condemned was, not their existence, but their existence in times and places where they were inappropriate. For each, he recognized, was best suited for the carrying out of some functions. Hence each should prevail when the particular functions that it could best perform were most vitally needed for the well-being of any society. Each, too, possessed appropriate methods for the carrying out of its functions; and it was unwise for one to try to use the methods of another, thereby courting certain failure.

*Revolutions, and the Relation of Government to
Physical Conditions and National Character*

The next question discussed by Montesquieu was the reasons for the transformations of government. How did it happen that a government, once successful, was later overthrown, and why did states themselves completely disappear? Montesquieu insists that states rise and fall, not by chance, but owing to general causes. Accidents, that refuge of Bodin, have no place in Montesquieu's philosophy. Whatever the precise form in which these general causes make themselves manifest, the essential reason is always the same, namely, the corruption of the principle on which the government rests. That is, when the principle underlying any form, whether republic, monarchy, or despotism is carried to excess, or when it is used for private rather than public ends, government is endangered and must ultimately fall. Montesquieu, whose position here is essentially that of Aristotle, expresses this by saying that the state collapses when its principle ceases to have relation to law, when, that is to say, it becomes an arbitrary regime and loses the system arising from principle.

He then goes on to discuss the relationship of government to other factors. First he emphasizes the importance of climate, repeating in the main Bodin's earlier discussion, but with some slight modifications of his own. Yet it is his revival of this concept, and the fact that it illustrates so clearly his general philosophy and his distrust of the *a priori*, rather than the precise details of his analysis, that is significant.

Next he discusses the appropriate size of a state, and suggests that a large democracy is unworkable. The democracy of which he was here thinking was direct democracy. He does, however, believe that peoples otherwise suited to democratic government may overcome this particular disadvantage by means of federation, a concept reminiscent of Althusius. It is indeed from Montesquieu that the federal idea, which became the basis of the American commonwealth, largely sprang.

He then considers the forms of economic life most compatible with various forms of government, for he was fully aware of the

interrelationship between economics and politics, though he did not take the view that economic activity alone conditions all else. What is curious is that, reverting seemingly to Aristotle, he states that manufactures are incompatible with democracy. This certainly comes queerly from one who lived on the eve of great industrial developments that were to be closely connected with the rise and spread of the democratic faith. Once more, however, we must remember that it is with *direct* democracy that Montesquieu was concerned.

It is, moreover, true that the vast growth of wealth in an industrial age has destroyed that equality which he conceived to be an animating principle of democracy, and has in many ways made the practice of even representative democracy unreal. In connection with this section, we may note that, while Montesquieu was one of the fathers of liberal republicanism, he himself seemingly believed that a large state like France would probably be best ruled under a wise monarch. Here again he is nearer to the general viewpoint of the Age of Reason than is generally admitted.

Montesquieu's Theory of Liberty

What was Montesquieu's theory of liberty? First we have to note that, in accordance with his general philosophy, he did not believe that liberty was desirable for all peoples, since some were rendered incapable of its effective exercise whether for psychological or physical reasons. He did, however, believe that in his own world liberty was much to be desired, as was natural in view of the social group he represented and of the universal criticism of the existing government by all thinking persons on the ground that it was arbitrary and destructive of national prosperity. But, because he *does* recognize that liberty is not uniformly practicable, he does not suffer from the delusion that one can attain it by drawing up a bill of rights. To him paper declarations of this sort have little significance, and subsequent experience, particularly in his own country, was to demonstrate his wisdom. What is important is not the letter of the law, but the spirit in which it is applied. It is the law in action, not the law on the

books, that determines the value of a legal system and of constitutional protection. The fact that England, without a written constitution, had a comparatively high degree of liberty through the actual workings of its government had impressed Montesquieu greatly, and was no doubt largely responsible for this generalization. Indeed, it is this sense that the temper of government is what really matters and that the nature of a state is discovered not in the laws it makes, but in its method of applying them, that Montesquieu was emphasizing in the very title of his work.

Liberty, then, is not a declaration of principles. What is it positively? He defines it as the belief that one is acting on one's own will. This is interesting as philosophy and as psychology, and avoids the puzzling question as to whether the will is really free. But what is its connection with liberty in social life? Corresponding to political and civil law are political and civil liberty. Political liberty does not consist of the belief that one is acting as one wills, but rather of the power to act as one ought to will. One ought to act, that is, subject to law. This might appear somewhat unsatisfactory, since whether liberty subject to law will be effective liberty, will be liberty to achieve one's ends, depends very largely on the scope of law itself. Or to put it otherwise, whether the power to act as one ought to will is liberty depends on what the powers that be consider one ought to will. The vital problems of liberty arise when there is a conflict between the moral conviction of the subject and the orders of government.

One can, however, understand Montesquieu's definition only if one keeps in mind that to him laws, while particular and imperfect, were reflections of fundamental principles of right and were, moreover, uniform and not arbitrary. Liberty, in fact, is one's feeling of certainty that, when one performs acts not contrary to the law, one is safe from governmental interference or punishment. The security necessary to give one this feeling can, however, exist only when government itself is based on law, that is, springs from rationally defensible principles and is not the result of an arbitrary and ever-changing will. Montesquieu, recognizing that different governments were appropriate in dif-

ferent times and places, nevertheless had a conviction that any government should be self-consistent and should not leave its citizens or subjects in a world of mere chance. He was not trying to argue that one gained liberty by obedience to law because any particular law was necessarily right: he was simply insisting that within any governmental system one had liberty when the law was known and when one was punished only for offenses against it. The degree and nature of the liberties that the law allowed one to exercise might vary, but without a known law one was in no sense free, being adrift on an uncharted sea.

Today we are more usually concerned with the content and extent of our particular liberties than with the essential conditions for the exercise of any liberty, although recent experiences with arbitrariness in certain countries may make Montesquieu's analysis once more germane. It was, we must remember, against imprisonment for undefined offenses and against a lack of effective protection for the citizen's safety, the essential arbitrary features of government in the France of his day, that he was protesting. He wanted not so much defenses against government's making and applying laws, as protection against lawless and unprincipled activity by government.

*The Means to Secure Liberty:
the Separation of Powers*

Granted that such liberty is desirable, that men must be protected against capricious and irresponsible power in the hands of their governors, how was it to be attained? It is here that Montesquieu puts forward the doctrine of the separation of powers, whose essential object is to ensure that the ideal of a government of laws and not of men, which Harrington had previously advocated, should be realized. The separation of powers is, in short, a technique of organization to prevent the inevitable abuse that occurs when power is concentrated. Where Harrington solved the problem by an agrarian law and by rotation in office, Montesquieu solved it by separating the different branches of government. The idea is essentially this: Legislative, executive, and judicial functions are not to be per-

formed by the same person, or by persons accountable to the same person. A man must not be judge in his own case, or carry out the judgment that he himself has passed. The same applies to government. The legislature must pass laws, the judiciary must decide whether an accused person has offended against them, and the executive must enforce them.

This theory, be it noted, contains two separate, if closely connected, principles. The holders of the individual powers are to be free and independent in their action. Thus they will work without fear and favor, since none of them will have to serve the others in its own interest. From their independence the citizen will gain liberty, since no concentration of authority will be possible. Yet if the offices are separate, the functions are complementary and integrate. Hence, independence becomes the basis of reciprocal restraint, and the separation of powers constitutes a system of checks and balances preventing any one branch of government from imposing its exclusive will on the citizen without the concurrence of the other branches. The opportunity for tyranny is removed by the pitting of one branch against the other.

The criticism of this idea has often been that it would promote inaction if it were really carried out. For instance, if the executive and legislative powers coöperated, there would cease to be a check. If, on the other hand, they genuinely checked one another, one would get a deadlock: nothing could be accomplished and the state would degenerate or fall into anarchy by reason of the absence of any effective authority. Montesquieu did not conceive this to be likely, because of what he called "the necessary movement of things." Apparently he accepted the idea of Heraclitus that all things flow, though in his statement he also implied that there was a continuous process of social evolution in a definite direction: mere movement would not of itself eliminate conflict.

This whole principle of the separation of powers was what Montesquieu thought he observed in the English government of the day, and it was to it that he attributed the astonishing freedom of the English people. He was manifestly in error, since the relationship between legislature and executive was

close and continuous, even though the present doctrine of Cabinet responsibility was not yet developed. This misinterpretation seemingly had great influence on the Founding Fathers in America, though it is arguable that they adopted the doctrine of separation of powers from Montesquieu not because they were convinced of its theoretical validity, and not certainly in the belief that they were setting up a system similar to that of England, but because it was the most convenient and acceptable arrangement in terms of the problem they had to solve. In any case the government they created corresponded more closely than any other to the ideas that Montesquieu had propounded. They did not adopt the Cabinet system of government, but by separating President and Congress laid the way open to conflicts, misunderstandings, and a frequent lack of coherence or direction in policy: "the necessary movement of things" did not always guarantee smooth sailing, as Woodrow Wilson pointed out in his work on *Congressional Government*, and himself illustrated in his second term as President. It is, indeed, to be noted that time and the very necessities of government have made it impossible to keep the two powers entirely separate, save in a formal sense.

The element of truth in Montesquieu's doctrine lies in his insistence on the independence of the judiciary. Whereas Locke, in an England in which the practice was well founded, could take the matter for granted, Montesquieu, living in a country where the courts were generally the tools of the monarch, saw the need for insisting on so vital a principle. Certainly it is clear that courts whose members stand in fear of pressure exercised overtly or covertly by the executive arm of government are unlikely to render justice based on principle. On the other hand, as American experience has again suggested, one may create a judiciary that is so independent as to become autocratic. The doctrine of judicial review, however, as it has been developed by John Marshall and his successors, probably went far beyond Montesquieu's intention or desire.

The separation of powers, then, was proposed by Montesquieu as a method for securing the safety of the citizen from unwarranted interference with the peaceful conduct of his life.

It was to protect him against arbitrary punishment without proper procedure. At the time of the French Revolution this doctrine had great influence, and it was from Montesquieu that that confirmed constitution-maker, the Abbé Sieyès, gained much of his inspiration. Revolutionary France also followed Montesquieu in directly abolishing arbitrary punishment, an action that was the complement of legal codification; while the attack on the Bastille expressed his dislike of tyranny under the guise of law, even though it was inspired rather by Rousseau's more positive love of freedom.

Montesquieu's Criminological Ideas

Closely connected with the doctrine of separation of powers was Montesquieu's plea for the reformation of the existing criminal law and procedure and for the establishment of a rational scheme of punishment. If genuine political liberty necessitated a lack of arbitrary power in government, it also required that punishments for offenses against known laws should themselves arise from some intelligible principle. He insisted that criminals should be formally indicted, with their offenses specified, and he argued that when a criminal was found guilty the punishment should fit the crime. He realized the futility and the cruelty of harsh and disproportionate punishments and saw that these, far from preventing crime, made criminals more daring and savage. He was opposed to all punishments by the state for spiritual offenses, arguing that one could only attack such offenses by sanctions in the same realm, that is, by spiritual penalties—a view previously advanced by Roger Williams. As for offenses against person and property, he felt not simply that the punishment should be proportioned to the offense, but also that convictions should be given only when there was clear and ample evidence, particularly when the punishment to be inflicted was the irrevocable death penalty. Further, he saw the danger of persecuting citizens because their views were not congenial to government, and was very anxious that political crimes should be carefully and narrowly defined—particularly the crime of treason. Public safety could be gained only by pro-

tecting individual safety, by making what we today call civil liberty effective, even against government.

Freedom of Thought and Person

To Montesquieu civil liberty, a phrase which for him had special connotations, was scarcely less important than political liberty. He does not, however, make it clear precisely what he does mean by the term. He had included in political liberty a great part of that which is normally included in civil liberty. Certainly political liberty did not for him mean simply the right to a share in government, the right to the franchise, as distinct from freedom of movement, meeting, and speech. The latter were of the very essence of political liberty. He did, it is true, argue that men should have liberty of worship, and, indeed, he argued this without any of the restrictions that had made Locke's advocacy of toleration so ungenerous. He recognized the uselessness of persecution of belief and opinion and saw that such procedure was incompatible with a rational legal system. This, however, was also seemingly a matter of political rather than merely civil liberty.

His theory of civil liberty can best be inferred from that which he condemns, and condemns with an indignation unusual in his normally moderate discussion. For slavery he has an extreme horror. He is one of the first major opponents both of the institution and of the traffic, combining here his theory of international law and his practical conviction of the value of liberty. Montesquieu's belief that men are naturally free and equal is quite similar to that of the *philosophes*, and here once more he shows himself essentially a member of the Age of Reason. He admits, indeed, that in past times and under certain climatic conditions where work was extremely irksome, something might be said for slavery as a practical matter, though even then it was not in accordance with the essential dignity of man. Certainly he feels that the labor of free citizens is more productive in modern times and in temperate climates, an argument that has been used to explain the superiority of the North to the South in the Civil War period. Fundamentally, however,

Montesquieu condemns the enslaving of one's fellowmen on the ground that it deprives those enslaved of the opportunity to develop their personalities, while it brutalizes and enervates the masters.

Certainly Montesquieu felt that for the France of his day liberty was of great practical value and that a liberal government was necessary, whatever he may have said about the relativity of government to time and place. Though he stressed the latter principle, he seemingly possessed a confidence that his own age was advanced, and in terms thereof he demanded freedom as a proof of its superiority. One must remember that, granted his sociological objectivity, he lived at a time when men believed in progress, and he had a passionate desire for the triumph of rational principle, which to him is expressed mainly by the extension of liberty and the destruction of arbitrariness.

Montesquieu's Influence

What has been Montesquieu's influence? As we have suggested, he was an important force in the French Revolution, particularly when its more violent stage was passed and the task of making laws and constitutions was at hand. If the revolutionary leaders talked of *liberté, égalité, fraternité*, their practice was opposed to equality in Rousseau's sense, and fraternity, a contribution of Voltaire, was but partially realized. It was liberty, the nice ordered liberty of Montesquieu, liberty for the middle class, to which they gave expression; and it was for this same liberty that the later Revolution of 1830 was to be fought, while the monarchy of Louis Phillippe that it set up was perhaps in its beginnings the perfect realization of Montesquieu's idea.

The influence of Montesquieu in America we have already described. It is necessary simply to add that not only the Federal Constitution but also many of the state constitutions were based on his idea of the separation of powers, and that that doctrine became a principle in American political and constitutional thought against which the facts of a necessarily changing practice made slow headway. Even today it is consciously or unconsciously present in the thinking of many of those who de-

plore the change in the relative importance of the different parts of government and the general extension of bureaucracy, and fear particularly executive domination of the legislature.

Montesquieu, by repeating and re-emphasizing the doctrines of Bodin concerning climate and the nature of peoples, had a very considerable influence on various groups that have found it advisable to stress the geographical factor in human history and in government; while he has also quite unwittingly given rise to racial doctrines of unsound character. Yet such doctrines are in truth a perversion, and in certain respects a contradiction, of his essential teaching.

More important than such specific influences has been the value of his concept of law and his recognition of the intimate connection of, and interplay between, law, the social fabric, and the physical environment. It is not uninteresting that the late Justice Holmes, rightly regarded as the founder of sociological jurisprudence in America, was a profound admirer of Montesquieu and shared much of the former's mental attitude, both as regards law and liberty.

Lastly, we should perhaps note that Montesquieu's stress on the importance of historical experience, and his belief that the particular traditions of a people set the conditions for its successful government, were translated by Burke into a theory of empire. That same emphasis was no less influential in the development of German historiography, and particularly of that nationalist form of it which, departing from the universal philosophy of Kant, led to a stress on specifically German origins and institutions. Indeed, while Montesquieu himself was not a cosmopolitan in the manner of the *philosophes* generally, he was also not a nationalist in the present sense of that term. Yet his ideas gave much of the stimulus alike to political and cultural nationalism in the next century, both indirectly through his doctrine of liberty as preached by the Revolution and by Napoleon, and directly through his emphasis on differences, too readily translated by the prejudiced into superiorities. He himself had more in common with those present-day internationalists who insist that the vital problem is to recognize national difference in culture and tradition, and then to develop

them coöperatively and harmoniously, to the profit of mankind generally.

Yet Montesquieu himself, like Burke, was a curious blend of conservatism and liberalism; though, unlike Burke, he was not possessed of a fear of ruin that led the conservative to dominate over the liberal element. He was essentially a moderate, opposed to extreme irrationality in government, but not believing in the possibilities of an abstractly rational planning. He was a man of broad humanitarian sympathies, with a real love for freedom of both mind and body, and a deep indignation against cruelty.

At the same time, he was not a revolutionary, being desirous of the preservation of order as far as possible; and one may even question whether he was, in our sense of the term, a democrat. Thus he regarded representatives as men picked for their acknowledged gifts with the duty of deciding what was for their country's welfare by the aid of their instructed judgment, rather than as delegates subject to the orders of their constituents—a view later to be stated even more emphatically by Burke.¹ Seemingly he approved monarchical government, provided it was sensible and not despotic, though desirous of limitations on it which would check the temptation to abuse. He was friendly towards republican government, provided it was suited to the customs and endowments of the people to whom it was applied. Yet he saw no necessity for introducing it where a satisfactory monarchical regime was established. Tolerant and somewhat sceptical, he believed in the superiority of his age, yet did not share its vision of limitless and rapid improvement or of ultimate perfectability. Desirous of liberating men from the twin tyrannies of prejudice and despotism, he nevertheless would not have echoed the cry, "Give me liberty or give me death." At once sympathetic and reserved, proud and urbane, he was a scholar, a gentleman, and a man of substance.

Bibliographical Note

On the general character of French ideas in the eighteenth century there is a very provocative little book by Carl Becker, en-

¹ See Ch. XXIV, pp. 688-689.

7 titled *The Heavenly City of the Eighteenth Century Philosophers*, in which he shows how the belief in the efficacy of reason was essentially an act of faith. A brief, but brilliant, article on "The Age of Reason," by H. J. Laski, is to be found in Hearnshaw's *The Social and Political Ideas of Some Great French Thinkers of the Age of Reason*. Ch. III of Laski's *The Rise of European Liberalism* is also interesting in this connection, tracing the connection both of English and of French thought with the growing power of the bourgeoisie.

The best English monograph on the place and period is Kingsley Martin's *French Liberal Thought in the Eighteenth Century*. Part III, Ch. VI, gives an admirable analysis of Montesquieu. Ch. V, Volume I, of Vaughan's work deals with Vico and Montesquieu and contains interesting comparisons and contrasts. The Hearnshaw book cited above has a rather good, but short, essay on Montesquieu by H. J. Grant. An even shorter essay, appreciative and suggestive, by the late Justice Holmes, is to be found in his *Selected Essays*. A brief book on *Montesquieu*, good for his milieu and personality rather than for his ideas, is that of Courtenay Ilbert.

CHAPTER XXII

Rousseau: the Search for Liberty and Equality: the Basis for a New Tyranny

JEAN JACQUES ROUSSEAU (1712-1778) has frequently been called a child of nature. He might with equal or greater truth be called a child of nurture. All political philosophies are no doubt ultimately the result of the experiences of their makers and contain an autobiographical element. In the case of Rousseau that element is immediate and dominant. Few writers on such topics have ever produced works that so directly mirrored the experiences of their own lives and their emotional reactions to the facts they encountered. Indeed Rousseau is in this respect much closer to the novelist than to the political philosopher; and we may note that his philosophy received one of its most forceful and charming expressions in a novel, *La Nouvelle Heloise*, which was one of the first works of, and influences on, the Romantic School. One of the chief characters in that work is clearly Rousseau himself, idealized and purified. He also wrote *Les Confessions*, an amazingly frank and revealing autobiography, which within itself shows the close connection between his political ideas, his biological heritage, and his somewhat peculiar experiences. We shall therefore devote rather more time to a consideration of his life than we have given to those of some other thinkers, since this technique is extremely useful in making plain the workings of his mind. Yet it is necessary at once to enter a caveat: while biography may lead to understanding of how and why a man's ideas developed, it does not of itself prove anything as to their logical soundness, or social relevance.

*Rousseau's Life: a Frustrated Search
for Simple Humanity*

Rousseau was born of middle-class bourgeois parents. His father was a Genevan and a watchmaker. Not less important, he was a generally skilled craftsman possessed of the wanderlust. Unlike most Genevans, he had spent a good deal of his time abroad following various occupations, even going as far afield as Constantinople, where to survive he had had to become a porter, in the East an extremely degraded occupation. He was not a sound and settled citizen. He was unstable, but by the same token he was a person of some originality and daring, not hidebound by tradition. In him this deviation from the mean led to no great distinction. Rather it resulted in his attaining a less substantial position than the stay-at-home: he illustrated the proverb, "A rolling stone gathers no moss." Yet it seems not impossible that his son inherited from him a restlessness that showed itself in intellectual and emotional, as well as geographical, ways. Rousseau also inherited a lack of balance. Indeed there seems to have been some biological heritage, probably from his father's side of the family, that took the form of actual disease, a disease that manifested itself chiefly in the psychological rather than the physical sphere. What that disease was has long been disputed by members of the medical fraternity; while modern psychoanalysis, if it has offered new tools to attack the problem, has only added to the confusion of hypotheses.

This at least may be said: despite abstract humanitarian love of his fellow-men in general, which leads to a written compassion hardly less impressive than Christ's, Rousseau was in his personal relations a misanthrope, who was yet capable of extraordinary, but intermittent and uncontrolled, tenderness and sympathy. In his later years he seems to have suffered increasingly from what today we should probably call a persecution complex. He did not, indeed, believe that sinister persons hounded him through the streets: he had, rather, an extraordinary conviction that those who most befriended and admired him were stealing his ideas, were mocking him behind his back, and were totally incapable not simply of appreciating him, but



Jean Jacques Rousseau

even of doing him bare justice. That the seeds of all this came from his father, though developed and evoked by his experience, appears at least highly probable.

Of his mother we know far less. She seems to have become a good, decent woman, without distinction either good or bad. What precisely he gained from her and her side of the family biologically we do not know; though it may be possible that, despite certain taints in her heritage, she added to his makeup some element of soundness, which allowed him to survive and to achieve. That she had any great influence on his development is unlikely. She died shortly after giving him birth.

What happened to this organism thus endowed? Where Rousseau was born is scarcely less significant than from whom he sprang. He was born in Geneva, as well as of a Genevan father. Both his experiences in the city and the traditions of the city were vitally important to him. We must never forget that, while he is counted among French authors, French being the language of Geneva, he was not a Frenchman. The Geneva into which he was born had not yet escaped the traditions of Calvinism, even though those traditions were declining. A stern morality, a degree of Puritanism, still survived; and with it went a deep interest in learning, in theological speculation and in legal and political thought and discussion. Moreover, the democratic idea latent in Calvinism had come to fruition, aided by the geographical situation of the city, impregnable and independent, and by its economic prosperity based on the application and skill of a large artisan class. This class was proud of its city and of its republican government and aware of the advantages of the free workmen, as against the serfs who constituted the bulk of the population in the surrounding monarchies. The tradition of participation in public affairs was easier to maintain because Geneva was a city-state, where that direct democracy for which the Swiss are famous could work effectively and, by reason of the advantages of town life, could be something more than parochialism. The culture of Geneva was no less deep, and far more widely shared, if at the same time less productive of genius, than that of Athens; while by reason of its position, Geneva avoided the seductions of mercantile power

and foreign adventure. The teachers of Geneva were men of substance and character, and one of its political thinkers, Burlamaqui, whose ideas greatly influenced Rousseau, gained a widespread reputation for his exposition of doctrines of natural and international law.

It is not unreasonable to assume that it was from this background that Rousseau gained at once that natural sense of piety and that keen interest in political affairs that directed his efforts and constituted the dominant marks of his character. Perhaps too it was Geneva that stimulated in him its own love of learning and reading, and gave him that impetus to choose out the best for study. It may also have been the analogy of Geneva and Athens that subsequently led him eagerly to devote himself to the study of Plato; while a similar sternness in Geneva and Rome perhaps provoked his interest in the later republican history as well as in Plutarch's *Lives*, that great textbook of statesmen and political philosophers.

Few errors about Rousseau are so widespread and so likely to lead to a false estimate as the idea that he is the untutored savage, an idea that achieves ready acceptance because his originality, his forcefulness, and that peculiarly autobiographical expression of ideas above mentioned, disguise and hide the fact that he received, or perhaps more accurately sought and acquired, a careful, though selective, book training, as well as the esthetic tutoring of nature. He did not, indeed, read everything, a circumstance which perhaps accounts for the large degree of originality, both of form and substance, in his works. But it is erroneous to assume that because a man can express himself vigorously and is not concerned with scholarly references, he is therefore without learning; and it is an error largely confined to estimates of philosophers. We do not assume that a novelist or poet is unread: indeed we are not unlikely occasionally to fall into error by making a precisely opposite assumption.

If Geneva gave Rousseau moral sense, political interest, and a belief in the value of things of the mind, its environs gave him that deep love of nature and that overflowing emotion which made him the first great romantic. In his attitude to nature,

he is a second St. Francis of Assisi. His bitterness arises from the contrast between what is to him a glorious and kindly nature and a miserable, corrupt, and artificial human society, perverted by rulers and by the institutions they have malevolently created. That the country around Geneva is beautiful, even if more awe-inspiring and less kindly than Rousseau found it, no modern observer is likely to deny. Rousseau himself had a peculiar opportunity to feel its impressive charm. He was not sent to the great school of Geneva, with its stern discipline and careful training, which had as its reverse a certain unimaginative orthodoxy. Instead he went to live with a private teacher and some fellow pupils in Bossey, a little village outside the city and among the beauties of nature. There already he took those solitary walks that were for the rest of his life to be among his few consolations and were alone to bring to him contentment of spirit and a sense of peace. On them he doubtless felt that breathlessness, that sense of exaltation and personal submergence, which comes on rare occasions to most men when confronted with a sudden and magnificent vista. Working hand in hand with this influence was that of his teacher, an unworldly man of gentle piety and utter kindness.

All this of itself might, without further stimulus, have led to a solitary dreamer, communing with nature and producing at most some beautiful lyrics. But those happy days were not to endure for long. Rousseau was soon recalled to reality and work, to the business of gaining a living. He was apprenticed in the workshop of one Abel Ducommun, to learn the watch-maker's trade, then as now a leading Swiss industry. What he did learn was the meaning of blows and harsh words; and he was made indignant by humiliation and human cruelty. Whether Ducommun was a particularly tyrannical master, whether he was the villain Rousseau would have us believe, may well be questioned. The latter was unused to discipline and was, no doubt, whatever his intentions, a poor worker. Be that as it may, it seems clear that here we can find the roots of that hatred of injustice which was the motive force of Rousseau's later theories; while it was doubtless the juxtaposition of two such dissimilar experiences that accounted for his contrast between

nature and civilization. Rousseau had little initial liking for the trade intended for him; and such treatment, far from inspiring a determination to prove his worth, brought only an eagerness to escape.

He fled his home and the city, no doubt with considerable self-dramatization, and wandered through the countryside, which soothed and healed his ruffled spirit. He came into Savoy with its quieter and more civilized landscape, and we next discover him a guest at the home of a Madame De Warens. She was a curious lady, emotional yet circumspect. An ardent Catholic, she enjoyed the consolations of illicit love as well as of religion, and was not displeased at the attentions, and even at the eager but awkward wooing, of a young man whose mental ability and emotional sincerity she had the intelligence to perceive. She acted as his patron, and her training was not without its effects. He gained from her a certain degree of polish and manners hitherto lacking. Under her direction he browsed in her library and read amongst other things Plato's *Republic*, which has to have a profound influence on his thought. At the same time, she stimulated, if she also endeavored to emasculate by civilizing and making artificial, his love of nature. She also encouraged his musical ability, and urged him to develop himself as a teacher of music, the profession that he practiced intermittently, but not always successfully, in the subsequent years.

Yet his violence of temperament, and indeed of temper, could not be curbed. While he had attained a popular reputation as a roué, he was instinctively monogamic. Not a few of his later lapses from virtue were inspired by a temporary and overwhelming tenderness, not initially physical, whose drive he was unable to resist. At the time he quarrelled with his patroness bitterly, wishing to be her sole lover and resenting the successful competition of her bailiff, whose mistress she had long been. It was necessary to get rid of him; and she saw an opportunity to do so while serving and gaining favor from her church, whose doctrines she accepted with sincere conviction. For love of her and in the vain hope that it would make a difference, Rousseau was ready to become a convert. She packed him off to Italy

that his conversion and religious education might be completed. She also armed him with letters to patrons who might aid his career. The conversion was probably insincere. Be that as it may, he was a Catholic but a short time, and his whole subsequent work suggests a fundamental Protestantism.

He did not like Italy and quickly quarrelled with his new patrons. He could never bear subjection, and even for the sake of a living was unwilling, save for brief and exasperated intervals, to perform the functions of a courtier. He left, and, after an unhappy return to his ex-mistress, now forgetful of her promises and adamant in the virtue of monogamic sin, we next find him in Paris (1741). There it was peculiarly necessary for a would-be man of letters to attach himself to the great aristocratic women who dominated the life of the capital through the salon. They admired the minds of men of learning and personality; but for their patronage they demanded a reciprocal, and frequently more extensive, admiration, as well as more onerous service. Rousseau failed yet again. He was willing, perhaps with uncouth ardour and a lack of decently superficial flattery, to admire the beautiful, but was averse to complimenting the cleverly disguised. For neither would he run errands or perform what he considered menial functions.

Yet at the same time he tried to adapt himself; and succeeded momentarily in adopting one of the least profitable of the mannerisms of the great. He acquired a mistress, a woman of no education and little personality or charm. Contrary to the custom of the day, he stuck by her over a considerable period: but following that custom, he abandoned his illegitimate children at the doors of the Foundling Hospital. Disgusted by the artificialities of Parisian society and by the necessity for obsequiousness, and revolted by his own behavior, which preyed upon an uneasy and inescapably puritanical conscience, he sought escape in flight.

The rejection by the leading musicians and musical critics of the day of a new scheme of musical notation, which he had invented and which he considered to be of revolutionary import, added to his disgust. Convincing him of failure in his profession, it removed the last reason for tarrying.

Once more he took to wandering. But he also began to write, encouraged by certain of the *philosophes*, whose acquaintance he had made and from whom he had won a spontaneous and real admiration for his obvious genius. According to his own story he was walking on the road to Vincennes and suddenly read in the paper an offer by the Academy of Science at Dijon of a prize for the best essay on the state of the arts and sciences. He continued his journey, walking automatically in a complete and inspired trance. On his arrival at Vincennes the essential scheme for the so-called "first discourse," the *Discourse on the Arts and the Sciences* (1749), which won the prize, was in his head clear and complete.

Diderot, who had hitherto been his friend and was to continue to endeavor to be one, claimed differently, accusing Rousseau of stealing his ideas without acknowledging the debt. Thus began the first of those quarrels with the leading thinkers of the day which were to form a constant refrain for the rest of Rousseau's life. Whether one accepts Rousseau's own explanation as literally true or not—and it is well to remember that such experiences, if rare, are neither impossible nor unheard-of—it is almost certain on *a priori* grounds that on this occasion Rousseau was in the right, particularly since he willingly admitted that Diderot had encouraged him to develop his ideas and enter the competition. The essay does not accord with Diderot's rationalistic temper. He might, indeed, have suggested the idea as an amusing paradox. We can be certain that he would not, like Rousseau, have followed it remorselessly and filled it with the emotional overtones of utter conviction. If we accept the view that Rousseau's thinking was unusually autobiographical, the essay appears as a perfect and logical expression of his personality.

The First Discourse: an Indictment of Civilization

What is his thesis? It is an exaltation of the natural life; the life of man untrammelled by social convention and by complex institutions. It is a vicious diatribe against what we call civil-

ization, which, to Rousseau, is the root of all evil. To us this may seem paradoxical; to him it was obvious and sane.

He had suffered ill-treatment in organized Geneva after kindness in the more natural society of Bossey. In Italy and Paris he had seen only insincerity, hypocrisy, and artificiality; and as he walked through France, he perceived on the one hand the misery of peasants under civilized government, on the other, a natural beauty which they were too degraded to appreciate. Accordingly it was not to him far-fetched to believe that, in his own words, "Men are naturally good and it is through institutions alone that they become bad." This was to remain his theme-song for the rest of his days. The civilization that men create is unnatural, and therefore corrupt; and they are corrupted by it.

Why is it so? It is because civilization is the product of intellect, and intellect is an evil. Through it men restrain their natural and kindly impulses, planning for the future and to their own advantage. Essentially he repeats Christ's admonition, "Take no thought for the morrow." By the use of intelligence men who would otherwise live in a society of mutual aid and use the fruits of nature for their immediate fulfillment are enabled to provide against their future needs.

Through this intelligence they gain desires, planning craftily to get advantage over their neighbors, and becoming obsessed with the thought of security. Through intelligence they come to question the lasting bounty of nature, and endeavor to improve on it by laying in stores against a rainy day. What had once been enjoyed by all in common, according to the need of the moment, now passes into the ownership of individuals who keep it for their own ends. Possession becomes property through intelligence, and property is the great evil. We can see in this Rousseau's resentment at having to demean himself to gain the wherewithal of life.

Despite the forcefulness of its language, which struck a new note in French literature by its unrestraint and its unwitting attack on the dominant classicism of the day, this essay lacked integration and was not a clearly articulated or logically constructed expression of a rounded philosophy. Yet it made

Rousseau's reputation, even if it brought little understanding of the man. It was read widely and was discussed eagerly and delightedly in all the *salons*, where intellectual daring was welcomed readily by an upper class that still felt safe in the enjoyment of its privileges. It was, however, uniformly treated as an amusing paradox, though Voltaire at least felt that it was a dangerous and absurd one, even though the work of genius. Few understood that Rousseau meant it. For in the France of Versailles, those happily ensconced in positions of power, prestige, and wealth could not conceive that anyone should seriously prefer the harsh life of nature to a delightful round of amusing entertainments and scandals. Rousseau unwittingly created a new game: at Versailles and at other country estates, great ladies and gentlemen, amid an artificial and formalized scenery, dressed up like Dresden china shepherds and shepherdesses and pretended to return to nature. The game had as little in common with Rousseau's meaning as the idyls of Theocritus. It added to his disgust at society.

The *philosophes*, however, those rational advocates of sensible reform, welcomed him to their ranks, though aware of his lack of orthodoxy. It was a short-lived alliance, foredoomed to failure by incompatibility of temperament; and, like many a hasty wooing, it ended in mutual recrimination and bitter feeling.

*The Second Discourse: an Attack
on Property and the State*

The second discourse, the *Discourse on Inequality* (1754), was written in the following year in competition for a second prize put up by the same academy. It was a much more thorough piece of work. Its thesis was the same, but was worked out in greater detail. The novelty, however, had worn off, while the dangerous implications for the idea of the existing social order stood fully revealed. Accordingly Rousseau was not given the prize, which went to a less able and more conventional essay. This increased his sense of social injustice, and succeeded only in strengthening his convictions and putting them beyond possibility of change.

Once more Rousseau starts with the state of nature in which men live individually, in isolation. It is as anarchic as Hobbes' state of nature, yet as good as Locke's. Men in it have the social potentialities on which the latter had believed natural society to be founded, though they have not yet come together. In them, despite their isolation, is the possibility of pity for suffering fellows; and it is in this natural capacity that Rousseau sees the source of all virtue. To him, indeed, pity is akin to love. Yet if pity may lead to mutual assistance, it also leads to social intercourse, in which there is a more sinister potentiality, for when men come together there is the chance of development, based on two characteristics. First comes fear. While men may be brought together by pity, their intercourse readily teaches them that they are dangerous to one another. At the same time the possibilities of development produce desire. From this desire comes a rivalry between men, a condition not totally dissimilar from Hobbes's *bellum omnium contra omnes*. In the resulting struggle some gain dominance, others become dependent. Out of this grows government, the government of the weak by the strong.

Government, then, is the direct product of force, not a contractual agreement to end the miseries of a natural state. Men may be equal in the state of nature, but as pity is pushed into the background and desire thrives, inequality soon manifests itself. The strong set up government for their own ends against, rather than with the consent of, the weak. Once government exists, it creates property, which is for Rousseau much the same as for Hobbes, that which one can successfully seize and hold. It is, however, an evil rather than a good. Indeed it is the source of all evils. What all had possessed in common, or what each had taken in terms of his own need as he needed it, now, through government, legally belongs to those who have been strong enough to make themselves the government. These had possessed themselves of what was hitherto held in common. Now, with the cunning of intelligence, they establish governments in order that what they have acquired may be given a legal sanction, and so become right. The right of property arises from an *ex post facto* sanctioning of the crime of forceful seizure.

Unconsciously following the Diggers, Rousseau insists, long before Proudhon, who indeed probably got the idea from him, that property is theft. This doctrine, one may observe, was revived and developed along somewhat different lines in pre-war Germany by Franz Oppenheimer, a sociologist who had great sympathy with the single-tax idea of Henry George, an unorthodox American economist and social critic of the latter part of the nineteenth century.

The state, then, arises as a formal organization to secure property to those who have seized it. The question, however, is, why do those now made poor accept it, since their collective strength is no doubt greater than that of the few individuals who are to profit by this scheme? They consent because they hope that, with the establishment of order, they will gain equality. They are deceived into thinking that the state comes into existence, not to sanction this rape, but to redress grievances and to humble the wicked few. They are soon undeceived; but against the now functioning organization they are generally powerless. Nevertheless disorder does arise, and above all war. Rousseau is a pacifist, and on a later occasion wrote an essay against war. Yet with the state such as it is no peace is possible. It can be gained only if men return to the natural condition, since government is inseparable from wickedness. Under it justice is impossible; and while it endures life is necessarily evil.

These two discourses, despite slight inconsistencies, form a composite picture; and it may be well to pause a moment and consider briefly the value of what Rousseau had hitherto accomplished. Essentially, under the guise of contrasting natural and civilized society, he had delivered a devastating attack on the artificial social life of contemporary France, and, of more importance, had tied this up with the facts of a despotic monarchical government, in its turn responsible for the economic misery of the masses. As he revealed in *The Confessions*, he had been anguished to discover, while walking in France, that the poor peasants dared not offer a hungry wayfarer more than a piece of hard bread, hiding even the trivial luxuries they possessed for fear that visitors might prove tax-collectors in disguise. It was

perhaps this economic misery, this brutalization, that more than anything else led to his attack on existing society and caused him to view so favorably the natural state.

*Rousseau's Genuine Belief in the
Virtues of Primitives*

Whether he believed that this natural condition was as beautiful as he depicted it, one cannot be certain. His noble savage was a fantasy of the imagination. Never having traveled in far continents, he had no experience of what savages really were. Hence it is quite possible that he naïvely accepted such idealistic pictures of them as were currently in circulation. For he was by no means alone in depicting the life of the uncivilized as idyllic. To contrast primitive society with polished civilization to the disadvantage of the latter, as well as to glorify the old Eastern civilizations in order the more thoroughly to abase one's own, was a technique widely employed by contemporary French writers. Doubtless it arose in part from a quite genuine ignorance, since anthropological studies were still in the distant future. It was, however, stimulated by the voyages of exploration that were making far parts and strange peoples more familiar to Europeans, and by the vast number of entertaining and informative books about them, of which the Abbé Raynal's was simply the most famous. At the same time it was a useful way of introducing criticism of contemporary society with less risk of giving offense or of being refused permission to publish, while nevertheless making one's criticism as pointed as one chanced to desire.

Yet Rousseau's attack was more extreme, and his conviction of the value of the primitive more genuine, than that of others who had used superficially similar techniques. They desired a better social organization: they had no intention of abandoning the comforts and blessings of what, despite its defects, they still considered an advanced society. Savages and Orientals are simply mouthpieces of that goddess of reason by whom they are possessed. Rousseau believed in the natural state, was uninterested in rationality as an end, and was convinced that contem-

porary society was incapable of reform. It was necessary to undo the work of the past and, however impossible, to return to primitive conditions.

This extremism makes his critical analysis more pungent and thorough-going than that of many of his fellow-writers, and gives to his thought a revolutionary ardor, rather than the reformist's moderation. While reason may be a forceful tool to attack historical accretions and accidents that have ceased to be useful, it is emotion that inspires swift and thorough-going change, whatever the price.

Yet however valuable his criticism, the first two *Discourses* are useless for purposes of construction. They put forward no program which is capable of execution and no ideal which could be made the basis of a program. Behind them is a pure and utterly destructive individualism, anarchic in the worst sense. The theory of social evolution, or, perhaps better, of social decay, which they present is an extreme example of *a priori* history, while the solution offered is totally unhistorical. There is no known path for returning to the primitive; and even if it was justice rather than primitiveness that Rousseau desired, one cannot attain the former by simply sweeping away all the institutions that men have so painstakingly constructed or by ignoring the facts that have gone to form a particular nation.

Rousseau had indeed advanced that theory of property that was later to combine with a peculiar version of classical economics to produce Marx's ideology. As Rousseau himself was soon to realize, men had become not only inescapably social, but also inevitably political, animals. Moreover in England during his very lifetime the Industrial Revolution had started on its career. It was soon to produce a civilization of extraordinary complexity, capable of offering a material well-being unknown to the savage, who did indeed live in uncertainty and scarcity; and requiring for its efficient, and still more for its just, use a very high degree of organization, planning, and control. The essential conflicts of the time were the birth pangs of such a society; and the bourgeoisie was striving for freedom of enterprise against an unproductive regime of aristocratic privilege. Rousseau's subsequent political works, and particularly *The*

Social Contract, most celebrated of all his writings, were directed towards finding a solution for this very problem. Belatedly he realized that governmental organization was necessary amongst men. Yet he never abandoned his basic idea, that primitive freedom alone was ultimately valuable. Accordingly he strove to reconcile the antithesis between freedom and authority, or, in subsequent Hegelian language, from thesis and antithesis he attempted to make a synthesis.

It is to an examination of this effort that we now turn. We shall find in it a certain number of contradictions, though some of them at least are not inherent, but spring from an unfortunate jumble of two sets of ideas. On his basic philosophy Rousseau attempted to impose theories drawn from Montesquieu, whose great work he had read upon publication. It had impressed him tremendously, and he had been forced to acknowledge the truth of much of what Montesquieu said. As a result he had taken over certain of the latter's ideas and introduced them into his own work. Yet between their two philosophies there were whole gulfs fixed, and the attempt succeeded only in creating unrecognized, unsolved, and perhaps insoluble, disharmonies.

*The Economie Politique: in Praise of Education
and in Dispraise of Luxury*

The transition is foreshadowed in a lesser work, the *Economie Politique*, written for the encyclopedia at Diderot's request. We today, aware that what was originally called political economy is now economics, would expect a work of this title to contain a general analysis of economic theory. Then, however, political economy, in so far as the science existed, was definitely the economics of the state, concerned with public policies for the promotion of national well-being, as one readily discovers from a reading of the Physiocrats and their precursors. Even so, Rousseau's treatment of the topic is limited and his emphasis unusual. He makes two main points. First, he insists on the necessity for state education. The ignorance of the mass of people in France was indeed striking and was not the least of

the causes of their misery. In urging such a policy, Rousseau was at one with the philosophers of the Enlightenment, who believed that education would lead to a rational society and would finally result in social perfection. What is interesting is not that Rousseau believes in the value of education, but that he makes it a state function, thus giving power to the central authority and recognizing that only through government can people receive that equipment necessary for the attainment of equality.

The idea is, after all, a striking departure from his belief in the virtues of primitive man and in the harmfulness of sophistication and intellect. It is the more strange since at a later date he was to write the *Emile*, which advocated a natural training for youth; that is, a training to evoke, and give free rein to, the inherent instincts inborn in man. The *Emile* offered an infinitely expensive and highly individuated education that was to make good men by allowing scope for impulse and by avoiding the artificialities of indoctrination in the conventionally important, both intellectual and social. That work became the basis for much of the modern educational program. It inspired the whole kindergarten movement through persons like Pestalozzi; and to it may be traced the extremism of free personality development, which had ruinous effects on not a few contemporary individuals. Yet a state education such as that advocated in the *Economie Politique* must necessarily be formalized to some extent, and is unlikely to be unconcerned about the conventionally accepted *mores*.

The second point made by Rousseau was that luxury is an evil. If education was necessary for the development of the masses, that development could not produce a free life while vast inequalities remained and while a privileged and functionless class, controlling the sources of wealth, spent its income on personal enjoyment, making numerous lackeys in the process. Rousseau, like Veblen long after, realized the corrupting influence on morals and manners of a leisure class that employed that leisure in pursuits necessitating conspicuous expenditure. He also shared with all thinking persons in France a recognition of the national ruin that was being produced by such uses of

property; though, unlike most of them, he desired economic equality rather than opportunity for a hitherto repressed bourgeoisie. Indeed, it is his recognition of the relation of equality and liberty that has been one of his chief contributions to political thought.

Now it was manifest that a state education would not, even if undertaken, bring about Rousseau's ends. It was no less clear that the existing monarchy, with its court the very center of luxury, was certain not to embark on such an enterprise: the ignorance of the masses was a form of insurance, however temporary and imperfect, for the privileged. Yet, if men who had long lived in society could not return to a primitive state of nature but required government and institutions, the problem was to create a state that would secure to men at once the natural freedom of the primitive man and the blessings of authority and organization.

*The Social Contract: an Attempt to Reconcile
Civilized Authority and Primitive Freedom*

The Social Contract (1762) proffers a solution. It is an attempt to find the principles of government for pre-social man, or rather to determine how men who have grown to require government may enjoy it compatibly with the virtues of the natural man in his pre-social condition. Rousseau poses the question squarely in that celebrated first sentence of *The Social Contract*—a sentence which was to be a clarion cry to oppressed millions, first in France and then in all Europe: "Man is born free, yet everywhere he is found in chains." This is a repetition, if with a significant difference, of that sentence from the first *Discourse* previously quoted. The stress is now on freedom rather than on goodness, though we must never forget that to Rousseau the one was the necessary condition of the other. The chains of existing institutions, and particularly of government, are recognized: they have to be removed. Yet because government exists, and has for long existed, one can do this only by supplying a different kind of government: men's lives in society have been rendered too complex to permit a return

to the simple and unartificially coöperative state of nature. If freedom in the natural state arises from individual isolation and consists in the absence of restrictive authority, it can yet be gained in an organized society under the aegis of rules. How? Simply by obeying laws that one has helped to make. For if one has voluntarily made and agreed to a law, one is then no less free than if there were no law at all. Thus at the very beginning Rousseau identifies freedom with obedience, and this was unwittingly to lead him from a complete individualism to a no less thorough-going collectivism.

Rousseau's Concept of the Social Contract

Granted that freedom within society is as he defines it, his problem is how to create a society that will fulfill this condition. The answer, perhaps inevitable in terms of contemporary modes of thought, was the social contract. Society, to be just, has to be based on a contract between its members. What are the conditions of this contract? First, it must be made freely by all. That is, there must be no compulsion on the natural man to enter it, and it cannot be made by a mere majority binding the rest. Rousseau does not consider the problem of how natural men, who are isolated if kindly, may come together to make such a contract. Indeed with him it is manifest, whatever may be said of his precursors, that the contract is not put forward as an actual explanation of the origin of the state: he had already recognized that existing states grew up in quite a different manner. It is purely a convenient hypothesis from which he may develop a logical system.

This freely made contract creates the society in which all participate continuously. Were they to give up their power, as with Hobbes, to one individual, they would, Rousseau perceives, have lost their freedom. Yet the very purpose of the contract is to secure permanently the freedom of the natural man and to give assurance that natural law will still continue to function. By the contract men are to gain the privilege of living simultaneously in both worlds, the natural and the social. There must be some authority, yet all must be free. To Rous-

seau this presents no difficulty: each person individually gives up to all collectively all the natural rights that he possesses, thus becoming subject to the whole. Yet he remains free because the whole includes him: it is not, by very definition, a whole without him. That is, he must give his consent to what is done, must participate once more continuously in the making of all conditions. The whole Rousseau defines as the general will, subjection to which leaves each man as free as before, since he is a part of it. This general will is the state, and it protects and embodies the individual's freedom; while the individual, through the collective force of the state, is stronger than he was in isolation in the state of nature.

Rousseau thus avoids that surrender to a superior who is outside and unbound by the contract which in Hobbes had made Leviathan the antithesis of freedom. Yet at the same time he creates a state, which possessess all the authority of Hobbes' state. That he recognized precisely what he had done is shown by the picture of Leviathan, with its head cut off, which formed the frontispiece of the first edition of *The Social Contract*.

The Nature and Scope of the General Will

The general will, however, requires further analysis; and Rousseau gives it in considerable detail. It must necessarily be indivisible, since if it could be divided it would cease to be general and collective. It would be no more than the will of a part and would allow for the emergence once more of the tyranny of one group over another, with all the evils that Rousseau had earlier depicted. By the same token it must be inalienable. That is to say, the people who have made the contract to preserve their pristine freedom cannot by any act of will give to another the power which they collectively hold by the contract. Rousseau thus denies the Roman theory of imperial power based on popular consent. Similarly he would have opposed the present justification of dictatorship as demanded and supported by the people: in his view democracy cannot commit suicide.

It is indeed impossible for the general will to be delegated,

far less alienated: all must participate continuously. The people cannot surrender legislative power to some individual or group of individuals who are to act in their interest. This is true, even though such persons might be recalled or fail of re-election. Rousseau makes it completely clear that he is not in favor of representative democracy. Indeed, commenting on the British system, a system so greatly admired by Voltaire and Montesquieu, he stated that the English people attain freedom only at election time. Here is heard the Genevan, the citizen of the city-state, and the student of antiquity.

It is, then, direct democracy that Rousseau advocates. This was scarcely less realistic as a solution for contemporary discontent than his proposal to return to the state of nature. France itself had a wide territory and, outside Russia, the largest population of Europe; while European populations in general were in the next century to increase tremendously. The practical necessities of government under new conditions made representation inevitable, if democracy were to replace monarchical absolutism. In the later constitutional plans that Rousseau wrote for Corsica and for Poland, he himself was to recognize the impracticability of his own scheme. He had, however, some belief in the possibilities of democratic federalism, or perhaps confederation—an idea he is sometimes held to have got from Althusius. But while Switzerland herself might combine federalism and direct local democracy to a considerable extent, it became impossible, with the growth of vast urban aggregations, generally to adopt even this solution.

While the condemnation of representative institutions constituted a weakness from the point of view of the realist, there was for the logician a yet more insurmountable difficulty. If every man was continuously to participate in government and was to have to give his consent to every law, government would be impossible: unanimity is rarely if ever obtained; while the evil fate of Poland itself illustrated the miseries of the *liberum veto*. There, with every noble having by his vote the power to defeat any proposed legislation, only two alternatives were open: unmasterly inactivity or wholesale and ruinous bribery.

Rousseau tries to escape from this situation. The general

will, he claims, is to be recognized by the objects towards which it is directed. It is general, not because every last individual supports it, but because it is directed towards the welfare of the whole. To put it otherwise, it is not a will concerned with the particular objectives of one individual or class. It is not directed by the selfish interests of any group, however numerous. It is rather the will that is unselfish, other-regarding or, better, whole-regarding. It is not therefore, at least necessarily, the will of the majority. Rousseau calls this mathematical will, the will embodying the greatest actual degree of agreement prevailing on any one question, the will of all. He sees that a majority, however great, may be concerned with its own well-being and may ignore or attack the minority. It may at times be the same as the general will, but it may also be opposed to it, having particular objects. There is no automatic identification.

As a logical consequence of this position Rousseau is forced to admit that in an issue where two parties are opposed, both may express only particular wills. In such a case there presumably could be no general will. More than this, were there one individual who, in a struggle of two selfish parties, stood apart from both and considered, not his own needs, but what was best for the whole that comprised both groups, his would be the general will. The question then arises, who is to tell what will is the general will in that vast number of cases where unanimity does not prevail? It would seem to require an all-knowing and disinterested God. In fact the general will so painstakingly created is undiscoverable.

It is indeed curious that Rousseau, opponent of an abstract rationalism, and unwitting defender and exemplification of the doctrine of his contemporary and sometime friend, Hume,¹ that reason is simply a tool of the emotions, did not recognize its corollary, that platitude of modern realists, that all men are

¹David Hume was a great English philosopher who, combining empiricism and rationalism, ended in scepticism, using the tools of eighteenth century thought to destroy its own peculiar conviction of the sovereign efficacy of reason. In politics this scepticism led him to conservatism for the sake of stability. In this sense he is an immediate precursor of Burke, though totally unlike him in temperament and general intellectual attitude.

- inspired by their particular interests, needs, and feelings. No man can will for general objects. Should an individual's solution of a problem subsequently turn out to be the most socially useful, that is purely an *ex post facto* discovery, and does not arise from a peculiar nobility in his character.

Rousseau is forced to shift ground to preserve any practical usefulness that his position may have; and later in the work he asserts that, even though the general will and the will of all are conceptually different, nevertheless the majority will may in most actual situations be taken for, or at least as the nearest approach to, the general will. Thus, having previously observed with real insight that potential tyranny was implicit in Locke's glorification of the majority, he himself finally becomes an advocate of majority rule, and, with Locke, not unjustly shares the parentage of that dogma of democratic government. He does, indeed, introduce certain qualifications. A bare majority is not under all conditions adequate to adopt a proposed measure. Such a majority can, indeed, decide only on matters of trivial significance. As subjects for legislation come closer to the vital purposes of the contract, the majorities requisite to validate laws increase. Unfortunately, however, Rousseau provides no clear criteria for measuring the significance of subjects, since men may manifestly differ as to whether any particular proposal is of a fundamental character, or at least as to how fundamental it is. Nor does he give any indication as to the precise majority requisite under special conditions.

From Freedom to Tyranny

It is necessary, however, to return to his further analysis of the general will, as he originally makes it. The general will binds all men and treats all men equally. It binds all by including all. Hence none may disobey its commands. But what if certain individuals disagree with the actual decisions made by the requisite majority, however determined, in a particular case, and feel that they have not given their consent? Then they are simply mistaken in their view, and must be compelled to obey. They may be punished because their action is

directed by a particular selfishness and is opposed to the very purpose of the contract, and hence to their own well-being and rights. We may here note that Rousseau lays in this the foundation for that weird metaphysics of Hegel and of the English Idealists which opposes an individual's real to his actual will, and which leads to the quaint doctrine that punishment by the state is self-punishment by the individual, which he really desires and to which he really consents.

Rousseau's doctrine is here extraordinarily dangerous, if taken in conjunction with his later modification of the general will theory, since it becomes the strongest of defenses for majority tyranny. Nor is this altered by the requirement that the general will should treat all men equally and aim only at public good. Who is to judge whether in fact it does treat all equally, and how is public good to be ascertained? The only limitation that Rousseau insists on, in explaining what he means by public good, is that laws shall not be made applying to specific individuals or groups and intended to impose disabilities on or give privileges to them. Whether law is in any way possible under these circumstances, granted that society is composed of various groups with different, and often divergent, aims, it is hard to say.

The general will, as expressed by the appropriate majority, is actually the judge in its own case, and no protection or escape is left to those who dissent. Government—that is, the executive—is indeed limited, being the tool, and not the master, of the general will. Unfortunately, executive arbitrariness and government by administrative legislation are not the sole dangers to individual freedom. The general will, it is true, must will for general objects, and treat men equally. We have already suggested that differences of opinion as to what is a general object and what constitutes equal treatment may easily arise. Moreover, Rousseau, aware of the difficulties of his position, elsewhere in this work argues that the general will and the will of all tend towards identity. His reason is that pluses and minuses cancel out. That is, votes for and against a measure offset one another, and the surplus left over, the majority, represents the general will. Putting this otherwise, the unpaired

minority represents the true desire of the whole society, since the conflicting views of the rest destroy one another.

This, surely, is the most thorough-going defense of majority tyranny. Its essence is that, since men are to be treated as equals, one achieves, by addition and subtraction, an absence of opinion if one takes two groups of persons equal in numbers, but with contrary views on the same question. Those not cancelled, a remainder, represent the correct answer. On most questions, however, one is confronted, not by contraries, but by contradictories. If an ultimate vote must involve a "Yes—No" response, the maximum consent, and frequently a more intelligent solution, is gained by processes of discussion leading to the triumph of middle groups and the formulation of compromise measures. Whether the ultimate majority will approach the general will, and how large it will be, depends to a considerable degree on the extent of these preliminaries and the temper in which they are conducted. Rousseau's formulation, by not looking behind the formal process of making decisions, and by insisting that opinions must be measured and solutions discovered by off-setting contraries instead of manipulating contradictories, in fact ensures a minimum agreement and a maximum majority tyranny.

In justice, however, one must take this statement in connection with Rousseau's theory of property. Property exists only by the will of the community; and, since that will is not directed to particular ends, property must always be equal. Rousseau does not specifically consider whether the means of production should be owned by the community as a whole or should be equally shared by all. In his day, before the factory system was well established, and when large aggregations of industrial capital did not yet exist, the question was largely meaningless. Rousseau was concerned simply with attacking inequality of income, of command over goods and services. One may assume, however, that he desired some form of agrarian communism; and it is clear that he objected to serfdom and to the private ownership of vast estates. But what is significant is that, granted economic equality, there will be less conflict of interests; and the possibilities of willing for general ends,

and of recognizing whether the state is so willing, will be greatly increased. Nevertheless it seems not improbable that, even in an egalitarian society, there would be vital divisions and conflicts between men, that the state might have to legislate, and that it would be impossible to discover or disinter a general object in such matters.

This point becomes more significant when we hear that Rousseau held the general will to be unlimited. There was nothing that the state might not do, no subject on which it might not legislate, provided only the will inspiring it were general, and provided the object of the will were itself also general. This is important, since it means that the individual cannot justly be subjected to discriminatory legislation, based on class, or similar, distinctions. Thus individuals could not be asked to pay unequal taxes: they have a *duty* to bear equal burdens, and a *right* not to be subject to unequal ones. Here we seemingly have a contradiction: the general will is at once omnipotent and limited. This, however, is only apparent: the general will is unlimited in power, but any will that is not rational, which wills things contrary to that equality which is justice, is by definition not the general will. Nevertheless, in any complex society many problems will arise that lead to debate as to what constitutes equality in the particular matter, and here the appropriate majority that makes the decision on a proposal will also presumably decide whether the matter is or is not one that can be decided consistently with the purposes of the contract. Rousseau's difficulty all along is, indeed, to bridge the gap between the general principle and the particular application. To the general will pertain the attributes of an omniscient and omnipotent deity. Yet it is to be realized, to be interpreted in particular circumstances, by finite beings, whose power may be great, but whose wisdom is limited and often, if not generally, perverted by particular interests.

In practice the individual is left with nominally reserved rights, but with no criteria to judge whether they have been invaded. Nor has he any channels of redress when the forces supposedly expressing the general will are opposed to him. Indeed, he is required to consider himself mistaken. More-

over, it was not inconsistent with the life-giving purpose of the general will to put criminals to death or to require citizens to bear arms in war. For by the contract all was given up to that will as utterly as to the sovereign in Hobbes's theory. Even self-preservation was not, as with the latter, a right superior to the state's command. The individual, indeed, needed no rights, since the contract was the means of giving him all the freedom that he had previously possessed. The general will embodied and expressed all his natural rights, and to it belonged an inevitable rightness. It could by definition never be mistaken and never do wrong.

Rousseau, indeed, does make a distinction between the state and government. The latter is, however, simply the executive of the general will. It is not a separate being created by contract, with legitimate powers and rights of its own. It is only legitimate when it is a subordinate body, and it is always subject to judgment by its master. Hence the distinction loses much of its value as a protection. No action done by the executive not in pursuance of the orders of the general will can be justified, and it is appropriate periodically to submit to the people the question whether incumbents of executive offices at the moment should continue in power. But this is the only protection against executive tyranny: in its day-to-day work the executive is sacrosanct, as presumably carrying out the general will. Rousseau makes no provisions for judicial checks on executive abuse or tyranny. He insists that government is a servant, but it is, he knows, always tempted to usurp power. Periodical assemblies will prevent this. It is absurd to assume that the general will would will itself away, voluntarily surrendering to a would-be tyrant. If it did, nothing could be done about it. Rousseau was unaware of the subsequent power of propaganda. It seems clear, however, that some modern dictatorships might plausibly claim that they represented and embodied the general will. We must, however, note that the exercise of the general will could not be delegated. Legislation, that is to say, had to be the work of a direct democracy, and Rousseau did insist that the English people, periodically choosing Members of Parliament, were free only at election time. The executive was to

function under the direct orders of the general will. The practical impossibility of this, as well as the extreme difficulty of separating legislative and executive functions completely, were matters on which Rousseau did not reflect sufficiently.

In his attempt to solve the problem of political obligation, to reconcile liberty and authority, Rousseau has come full circle. Starting with a complete individualism, he ends in complete collectivism, with the individual submerged in the state and having to it a duty of unquestioning obedience, without benefit of constitutional protection. This was the inevitable outcome of Rousseau's dilemma. Either he had to abide by a logical structure that was socially meaningless because inapplicable, or, compromising, he had to abandon the very ends he sought.

That he did this without fully recognizing the results of his work, does not change the truth thereof. It is perhaps necessary to note that it is no more possible for Rousseau than for Hobbes to avoid the insoluble conflict arising from the opposition between the isolated individual and the completed state. Indeed, as we shall see later, Rousseau's theory proved historically more harmful than Hobbes's. It had the guise of nobility and appealed to men's ethical feelings. Moreover, where Hobbes's individual absolutism was contrary to the current of ideas that flowed over the western world from the late eighteenth to the early twentieth century, Rousseau went with it, and indeed did much to set it in motion.

Anomalies and Inconsistencies in The Social Contract

Such is the main doctrine of *The Social Contract*. It contains, however, other views, some of which are, as stated previously, anomalous. We propose simply to outline them, leaving it to the student to iron out inconsistencies as best he may.

First, Rousseau holds that different governments are suited to different peoples. This is pure Montesquieu, and is totally irreconcilable with the idea that the only justifiable government is government by the general will, always and everywhere the same.

Second, democracy is unsuited to human nature. What Rousseau meant by this one can hardly guess, though in working out those constitutions above mentioned he seems again to have realized the practical difficulties in the way of giving power to an untrained, ignorant population. It is not impossible that, however illogically, he shared to some degree the enthusiasm of his contemporaries for a benevolent despot, while Plato's dream of a philosopher king had also impressed him profoundly.

Third, while government based on the social contract is alone legitimate, Rousseau insists almost as strongly as Hobbes on the vital importance of order. Hence, however bad the government may be, it is not to be overthrown by a revolution. This was one of those difficulties in Rousseau's theory that the leaders of the French Revolution conveniently ignored when they appealed to and used him. What led Rousseau to it we cannot say. He did not share Hobbes's psychological timidity and he was not among those who were eager for, or who were orderly subjects of, government. It is at least possible that he wrote the words while under the spell of Geneva, in fear lest its institutions be radically changed. This is the more probable when we remember that, in his desire to keep that city uncorrupted in its Calvinist morality, he had a bitter quarrel with Voltaire, who desired the introduction there of the theatre. In the course thereof he wrote the celebrated *Lettre à D'Alembert sur les Spectacles*, a work almost puritanical alike in its stern morality and in its disregard for popular sentiment.

Fourth, he insists that, unless the executive and legislative departments of the state be separated, violence and tyranny will result. How this was possible if the latter was the general will, was the sole and supreme authority, we are not told. Once more, however, we can perceive the hand of Montesquieu.

Fifth, Rousseau holds that people with strong customs cannot be formed into a state. Perhaps this rests on the recognition that his theory constitutes too radical a departure from the existing order to be readily or generally adopted. Yet it was his realization that one could not undo the customary and return to the natural that had inspired the whole of this work.

Sixth, the people are blind and foolish and cannot them-

selves create a satisfactory and just state. Hence the state he envisions can only be brought about by a law-giver, a man of perfect wisdom; and he is never found. Once more this may be a reversion to Plato, or to the legends of antiquity. We should note, however, that if a law-giver were found and did establish a state, it would not be a state based on the social contract, which alone is legitimate. Positively, Rousseau probably means that men will always live under unjust and tyrannous government. If this is so, then all his work is nothing but bitter raillery, at times directed by logic, against a world he loathes, but in which he must live. That Rousseau's writings may have been an outlet for emotions become unbearably strong is not altogether impossible. That he suffered from alternate fits of exaltation and depression, of optimism and pessimism, constitutes a yet more plausible explanation.

A seventh point is that public safety is worthless without individual safety. In terms of his own theory the two are synonymous, though in terms of the practice of that theory, the latter is subordinated and sacrificed to the former. Again it may be that he was here simply attacking the theory of war and armaments as protection and was joining with those who condemned military strength when accomplished by individual misery and by a lack of internal justice. This seems not impossible, since he also wrote an essay arguing the necessity for permanent peace and for the pacific settlement of disputes, largely in terms of well-being for the individual. In common with the *philosophes*, however, he condemned arbitrary government, and his doctrine of the general will was intended as a guaranty of the rule of law, though it is notable that it was diametrically opposed to the separation of powers by which Montesquieu desired to attain the same end.

Yet, eighth, he goes on to say that it is unwise to fight for rights. This accords with his opposition to violent revolution and his preaching of obedience even to bad laws. But certainly it robs the whole struggle of his life of meaning.

Ninth, he insists that no change should be made in social institutions unless it is inevitable. What he understood by inevitability we can only guess. If he meant that institutions

should be changed only to avoid revolution, that makes his whole condemnation of the institutions of his day hard to understand. If he meant that change of almost all institutions was morally inevitable because of the miseries they caused, that is simply a repetition of his dominant thesis; though why in that case he should put the statement in such a negative fashion it is hard to understand. Presumably once more he was following Montesquieu.

This last criticism applies also to the tenth point, that politics is an experimental science. For, despite Rousseau's congenital aversion to Voltairean rationalism, his political concepts are developed deductively, and the whole structure of his state evidences a fondness for *a priori* reasoning and a lack of connection, save in a purely critical way, with any existing scheme of government that are almost unparalleled in the history of political thought.

More astounding, however, than any of these illogicalities is the theory of religion and of the position of the church in the scheme of temporal government that Rousseau presents in this work. It is totally opposed to his whole past, and has no element in common with the views on religious teaching contained in the *Émile*, or with that sympathetic and instinctive piety so magnificently portrayed in *La Nouvelle Héloïse*. There he had returned to the very basis of Protestantism, individual faith and a personal intimation of the divine goodness. Here his religion is entirely outward, secular, and rigidly organized. It exists to serve state purposes, and this object must never be lost sight of. Yet at the same time it is to be true. What was the criterion of truth Rousseau in no way makes clear. One may, however, suggest that a religion devised for the advantage of government would scarcely be likely to prove convincing to those of a religious temperament. To the sceptic all religions may seem doubtful; but even the most determinedly religious would find it difficult to gain consolation from such a mockery; while the very servants of the state which supported it, if they might find it useful, would surely have difficulty in achieving sincere conviction of its spiritual efficacy.

As an indication of what he believes true, Rousseau states the

necessary and minimal dogmas of such religion. First of all, the existence of a God with power, reason, love, and goodness is to be asserted. The emphasis here is interesting. For elsewhere it was the last two characteristics of the Almighty in which Rousseau chiefly believed. Here he is more concerned with God as a sanction for the secular order, a God who may punish those who disobey the state's laws. This point of view corresponds closely to that of Voltaire in his more cynical and practical moments. It is opposed to that Deism in which Voltaire believed, in so far as he believed anything. Indeed Rousseau is a supernatural rationalist in this matter, a perhaps more logical position for one who would use religion for the state's ends. The comparison of the two men in this sphere is interesting. In the *Profession de foi du Vicaire Savoyard* Rousseau evinced a real belief in a beneficent and kindly deity, while his general thesis seems to be that it is men's evil character that makes civilization wretched, despite God's benevolence. Voltaire, on the other hand, while prepared to use God as a sanction for social order, doubts the real existence of a deity, and is convinced that there is no benevolent God. His *Candide* is in this respect a frontal attack on Rousseau's faith.

Rousseau insists secondly on a belief in a life to come, on the survival of the soul; and in that life there are to be rewards and punishments. Thus fear of a supermundane authority will strengthen men's loyalty to earthly powers.

The third dogma is at first sight a curious bedfellow of the first two. It states the necessity of belief in the sacred character of the social contract and of the laws made thereunder. To treat God and the law as equally articles of belief must seem to any person with a genuine faith a monstrous impiety. How Rousseau, who was so genuinely religious, could have espoused such a position is almost unintelligible: seemingly he was rigorously following his premises to their logical conclusion. Yet; were it not for the ringing sincerity of certain sentences in *The Social Contract*, this might lead us to believe that the whole thing is satirical in intent, having as its object the *reductio ad absurdum* of all philosophies of the state and of all reformist

faith, and being intended to show the impossibility of any solution to human misery, short of a return to nature.

The fourth dogma suggests rather mental aberration. It states that one must believe that intolerance is wicked. How the earlier dogmas could be reconciled with any genuine theory of toleration it is quite impossible to see. One can only revert to Voltaire, and once more point out that that gentleman, who devoted the greater part of his life to fighting intolerance, also advocated a secular and uniform religion, even though he was less concerned with its precise content. Nevertheless it is hard to see how any basic difference of belief could flourish were men all to accept these dogmas. The only possible defense for Rousseau is that he distinguished between religion *per se* and the political implications of religion. Belief as such should be free; but insofar as belief involved political behavior, it had to be controlled. On certain dogmas the state must, moreover, insist for its own well-being. One might believe more than these: one could not believe less, nor otherwise. Unfortunately, his distinctions were unworkable: a compartmentalized religion becomes formal and meaningless, while compulsion to certain beliefs invades necessarily the sphere of religion.

In this whole matter Rousseau was extraordinarily thorough: he outlined in detail the punishments for heretics and unbelievers. If one did not believe any or all of the doctrines of this peculiar church, one was to suffer banishment. If, after one accepted them, one's acts were of such a nature as to give evidence that one's belief were not sincere, one was to suffer the death penalty. Rousseau's feeling that hypocrisy was the worst of sins no doubt does him credit. Yet it is to be noted that even the harshest of rulers in lands with an established religion have rarely insisted on more than a formal acceptance of the established faith. Moreover, since belief itself is to others unknowable, what Rousseau really does is to drive hypocrisy one step further.

His whole treatment of the subject is nevertheless most significant for other reasons. It indicates more clearly than any other section of the work how completely he had come to the

authoritarian position. The liberty that the contract was to ensure here disappears utterly. Belief in one doctrine rather than another has no necessary connection with economic equality or inequality, and how one could say that the rejection of the established belief was evidence of a particular and selfish interest rather than of a will directed towards general ends, it is hard to see. If anything is individual, it is belief; and historically the fight for individual rights has been chiefly fought over this issue.

The Variety of Rousseau's Influence

The influence of Rousseau in his own lifetime was great. After his death it continued and spread enormously. Nor has it been exclusively confined to the realm of literature and scholarship, although he has probably been the subject of more books and articles than any other thinker. An earlier world had for centuries followed the cry, "Back to Aristotle." The modern world has similarly turned to Rousseau, from whom almost all schools wittingly or unwittingly gain aid and comfort, while his doctrines permeate and influence both democratic and dictatorial regimes.

His first, and most immediate practical, influence was in the French Revolution, particularly in its earlier days. He gave it much of its philosophy, as well as supplying the emotional drive of ringing phrases. His works were read to excited crowds, and the revolutionary orators dared not make speeches without appealing to him and paying lip service to his name. Yet it was the destructive Rousseau, the enemy of injustice and inequality, that was mostly used. When it came to the positive tasks of creating a stable bourgeois society, other idols were preferred; and it was to Montesquieu and to Rousseau's bitter enemy, Voltaire, that constitution-makers turned. Indeed, the conspiracy of Baboeuf, which had as its object the establishment of a genuinely egalitarian and communistic society and most accurately carried out Rousseau's ideas, was harshly suppressed.

In connection with the French Revolution, it is a little iron-

ical to note that Burke's uncontrolled denunciation of that movement included the accusation that it was based on a mad rationalism inspired by Rousseau. Rousseau, as we have seen, was a romantic, not a rationalist, even though the excesses of revolutionary ardor may have been accompanied by the use of his name in vain. Burke might have been astonished had he realized how much he had in common with Rousseau, or had he known that subsequent ages would couple their names together as leaders and founders of the romantic school, the one on the conservative, the other on the radical side. Both distrusted reason and believed in the importance of man's natural sentiments and emotions. The difference consists in this, that Rousseau sees those emotions as pertaining to a natural, unhistorical man, whereas Burke sees them as the outcome of a long history and believes that they are essentially reverential. One should perhaps also note that Rousseau's departures from his general theory have much in common with Burke's ideas: both were subject to the influence of Montesquieu.

It is Rousseau, too, who is responsible for that romantic doctrine of freedom and of defiance that plays so large a part in the poetry of Byron and Shelley, while that same romanticism synthesizes with the rationalism of the earlier philosophic radicals to produce the anarchism of Godwin and the revolutionary ardor of Burke's enemy, Paine.

Mention of Paine suggests America. Yet, save perhaps through Paine, Rousseau's ideas had small influence in the revolutionary struggle here, while the formation of the new republic led to his being forgotten for some years, during which Hamilton and his Federalists did their work. Jefferson was, however, an ardent disciple of Rousseau, if a more moderate and rational person; and with the triumph of the Jeffersonians, Rousseau's ideas began to influence public life in this country. It was, however, the Jacksonians, most of whom had probably never heard of him, who came the nearest to carrying out both his doctrine of equality and his idea of the majesty and authority of the democratic state. At a later period his influence is not so clearly felt; though it is not perhaps fantastic to suggest that

Henry George combines the doctrines of Rousseau with those of the physiocrats, while Veblen gives new expression to ideas that originally stem from him.

Returning to Europe, we find Rousseau's influence fundamentally important in the development of German intellectual speculation about society, at a time when intellectual leadership had passed thither from France. Kant takes over almost bodily Rousseau's theory of the contract and his emphasis on freedom, combining it with his own imperative of duty, and giving to it a more respectable and learned position as part of his total philosophy, while trying, without entire success, to eliminate its contradictions. Through Kant, it was to influence several generations of German liberals.

Yet more important from a practical point of view was Rousseau's influence on Hegel. The culmination of the latter's dialectical philosophy of history was the state, which is the march of reason in the world. Yet that state is nothing but Rousseau's general will in a new guise, with the individual as a complete subject whose real will is what the ruler wills for him. But Hegel identified the abstract and absolute state with the contemporary Prussian monarchy, and his philosophy formed the basis for a non-democratic empire. Hegelian elements will also be found in most contemporary philosophies of dictatorship. Thus, while through Kant Rousseau becomes the voice of liberty, through Hegel he is the foundation of authority. Yet Hegelian idealism was to have a strange fate. Crossing to England, it was, in the works of Bosanquet and Green, to take a new form, compatible with, and in support of, democracy; while the former was finally to make his absolute, not the nation, but the world-state. In the latter's work, the Hegelian philosophy of the real will was strangely to integrate with the rational liberal tradition as it came through Mill; and the two were jointly to form the intellectual basis of English humanitarian and reformist liberalism in the pre-war years. One should perhaps note that both Bosanquet and Green were directly influenced by Rousseau, whom they deeply admired, as well as indirectly through Hegel.

A yet stranger and more immediate fate befell Hegelianism.

Karl Marx took its dialectic and turned it upside down, making of it a conflict of classes instead of concepts. With it he took, perhaps unwittingly, the general and real will idea, which in his work gets expressed in two ways. First, Rousseau's general will becomes with Marx the dictatorship of the proletariat, strangely combining the egalitarianism and the authoritarianism of the social contract. Current communist rule in Soviet Russia is in some sort a realization of part of Rousseau's dream. Yet the Marxian idea of the classless society that is to succeed this dictatorship is another picture of the general will realized, though in it it is Rousseau's ideas of freedom and of equality that are combined.

The pre-scientific socialists, whom Marx so bitterly attacked, were also disciples of Rousseau, combining his doctrines of equality and of the state of nature. They, however, believed in a coöperative society without compulsion, a view that Rousseau had himself rejected as impracticable; and it is partly on this very ground that Marx himself denounced them, though approving their ideal.

Rousseau, by seeing his problem in terms of the individual and the state, and by paying too little attention to the theory of groups, had found it impossible to solve the dilemma of freedom with authority. In our own day, the pluralists have endeavored to find a way out of the difficulty by seeing groups as the essence of the state. For them, the general will is achieved by making the individual realize himself through the group and by making the state the creature and expression of a congeries of groups. Perhaps one might add as a last word on his positive influence that supporters of the corporative state have taken this pluralist doctrine, but have subjected groups to an absolute superior authority, the nation, which is once more the embodiment of the general will.

While so brief a discussion by no means exhausts Rousseau's influence, and leaves entirely untouched that part of it which impinges on religious, educational, and literary matters, enough has been said to make it clear why we have dealt with him at such length and why it may be said that modern political thought stems from him.

Yet when all is said and done, it is not so much Rousseau's logic or the precise development of his theories that is important. Today, indeed, it might seem that it is the absolutist side of his doctrines that is in the ascendant. Yet ultimately one cannot but feel that it is his passion for liberty and for equality and his hatred of injustice that is his great contribution. Rousseau's style corresponds to, and is a perfect vehicle for, his emotion; and in the last analysis it is his feeling so deeply what is wrong in society and his resentment against man's inhumanity to man that make him permanently alive and important. For, if he is most obviously a political philosopher, he is no less one of the great moral teachers of the world.

Bibliographical Note

On Rousseau there is a considerable literature in English. Ch. VIII of Kingsley Martin's book analyzes his thought, while his main concepts are discussed comparatively in H. R. Lord's *Principles of Politics*. A very short critical account of his theory of obligation is given by E. F. Carritt in his *Morals and Politics*. But the best and most stimulating short treatment is H. J. Laski's essay on Rousseau in his *The Dangers of Obedience*. While it should be read critically, J. Morley's *Rousseau* is still one of the most useful works on that thinker for the political philosopher. A very interesting attempt to discover Rousseau's intentions and significance is E. H. Wright's *The Meaning of Rousseau*. The best English edition of his relevant works is C. E. Vaughan's *The Political Writings of Rousseau*, which has a long and scholarly introduction. The Everyman edition of *The Social Contract* has an introduction by G. D. H. Cole that gives a clever, but somewhat unusual, interpretation of his thought. A full-length biography, not mainly concerned with Rousseau as a political philosopher, is M. Josephson's *Jean Jacques Rousseau*. It is written in a lively and readable style, and is intended to give a fuller and more accurate account of the man and his life than is to be found in the *Confessions*.

CHAPTER XXIII

Voltaire: National Government and Personal Freedom; the Championing of the Bourgeoisie

VOLTAIRE (1694-1778), like Cicero, is not an original political thinker, but rather reflects the current ideas of the time. Unlike the latter, however, he has no coherent system of political thought to offer and is indeed in one sense not a political philosopher at all. Yet he had a singular genius for expressing in a simple way the fundamental attitude of the rational liberals of the eighteenth century towards government. He was, moreover, the leading advocate of tolerance. His influence was tremendous and was greatly increased by the happy accident of longevity. His political interest indeed developed somewhat late when he had already made a reputation as the leading dramatist of his day. How far he was driven to a consideration of public affairs by his own unfortunate personal experiences with the law, and with the ruling classes in whose interest it was administered, is naturally hard to say, though his bitter irony in dealing with the forces of government was doubtless not unconnected with the harsh treatment he received.

*Voltaire's Youth: the Drama,
Imprisonment, England*

François Marie Arouet, to give him his proper name, was born in Paris, son of a notary. The whole family was composed of prosperous *petit bourgeois*—of traders or substantial yeomen. His mother, indeed, did have connections with a higher rank of society and her friend, the Abbé de Chateauneuf, introduced the young Voltaire both to literature and to that rational religion

of which the latter was to be in subsequent years a great popularizer. Voltaire further received an excellent schooling from the Jesuits at the Collège Louis-le-Grand. This sharpened his mind and widened his interests, even though the teachings of the Jesuits repelled him. His education was further advanced by a legacy for the purpose of buying books that was left him by that amazing woman, Ninon de Lenclos.

From his youth on, Voltaire, the fifth child of his parents, was always in hot water. His adolescence and early manhood were largely taken up with quarrels with his father. The latter wanted him to follow in his own footsteps and to enter the respectable profession of the law. The young man was, however, eager for a literary life; and, while he was for a time compelled to pretend to accede to parental wishes, he in fact showed little interest in the legal studies he was supposed to pursue. He further incurred the family wrath by getting into certain emotional entanglements, falling in love with a Protestant girl in Holland, an affair which was ended when his father threatened to have him shut up in the Bastille. Nevertheless experience of imprisonment was soon to come.

Voltaire, who had begun to compose dramas and had entered certain literary and political circles, was so ill-advised as to perpetrate libels in verse on various important personages of the day. In 1717 he was sent to the Bastille for this offense. He was, however, soon released. In 1721 his father died, leaving him a considerable income, to be greatly swelled in later years by shrewd speculation. Four years later, following a further period of play writing and his emergence as a successful dramatist, as well as some curious adventures as a political spy, he had the misfortune to quarrel with a young noble, the Chevalier de Rohan, at a dinner where they were both guests. Voltaire, humiliated by a beating at the hands of this gentleman's lackays, challenged him to a duel. It was never fought. Instead, Voltaire once more found himself in the Bastille, whence he was released through the good offices of friends on condition that he go into exile in England.

The use of *lettres de cachet* to imprison those who had made nuisances of themselves to distinguished men or to the political



Voltaire

authorities was a normal procedure of the time, and it is to be remembered that such imprisonment in the Bastille did not involve harsh ill-treatment. The prisoners were, indeed, deprived of their liberty, but they lived quite well and were allowed to pursue such avocations as they desired. That Voltaire should have twice suffered such restraint was in the main indicative of his boldness and lack of willingness to conform to the social distinctions of the age. Authors at the time, however great, were expected to show proper respect and deference to the nobility who patronized them, and Voltaire was still comparatively unknown even as a dramatist.

We have already seen how the necessity for pleasing patrons had irked Rousseau, shaped his philosophy, and led him to shun artificial French society, whence he returned to Geneva and, later, quarreling with his fellow citizens, took refuge in a neighboring hamlet. Voltaire was less sensitive and more arrogant. Indeed, that he changed his name to *de Voltaire* after his first imprisonment argues not a sense of shame, since such imprisonment was not in itself disgraceful, but a desire to raise his social position and to assert his worth. Aware of his ability, he saw no reason why he should kow-tow to fools who chanced to have money and to be born of fine families. Nor had he the wisdom or the desire later to hide his low opinion of such persons or to reconcile himself to the world in which he lived. He felt the manifest injustice of a society where the privileged might quietly get rid of the inconvenience of opposition or insult from those of lesser birth, and his own personal pride was mortified. As a consequence he became an opponent of so despotic a regime; and the fierceness of his opposition was to result in his spending much time during the whole of his life avoiding prison, taking refuge beyond the boundaries of France and publishing his works either abroad or in France under pseudonyms.

It was, however, the enforced visit to England that sharpened his sense of the defects of the social and political arrangements of his own country and gave him ammunition for devastating comparisons. He found his exile financially profitable, while he also entered the best circles and made the acquaintance of the leading men of the day, including Bolingbroke, Walpole,

and Pope. Seeing England from their vantage point, he was impressed by English manners and English toleration, by the freedom with which men of letters spoke and wrote, and by the fact that intellectual activities and political power were not completely divorced. Studying the English constitution, he found in it, as had Montesquieu at a previous period, the philosophy and methods of liberty. At the same time he became interested in the science of Newton, whom to his amazement he saw given a state funeral and buried in Westminster Abbey beside statesmen and generals, a kind of distinction to which no French writer could hope to attain. He was no less interested in the social science and political ideas of Locke, in whose defense of the Revolution of 1688 he found the clue to an understanding of British freedom.

He carried back to France, which he entered secretly and unpardoned, a certain determination to fight for liberty and, above all, for freedom of thought, and an eagerness to spread the rationalistic and scientific ideas he had encountered during his exile. For many years, indeed, he pursued his work as a dramatist, in which capacity he first gained fame; but with the passage of time he became increasingly interested in history and social criticism, although until his very last years his play-writing continued. After his return he also greatly added to his fortune by a lucky speculation in a state lottery. Henceforth he had not to worry about money affairs. On the contrary, he was able to add to his prestige by the willing use he made of his surplus in aiding the victims of persecution.

The first product of his new interests was the *Lettres sur les Anglais*, which appeared in 1733 and was seized and burnt in the next year by order of the government, at the same time that his house was searched in order to prepare a case against him. He himself was meanwhile in Lorraine, living with the Marquis du Châtelet at the chateau of Cirey, where he was to continue for many years, save for the interruption of occasional journeys to Brussels. His time there was spent in play-writing, in amateur experiments in the sciences, which he helped to popularize, and in developing the iron industry of the district. Voltaire, like Franklin, whom he in many ways resembles, was a

good bourgeois, always interested in practically useful and potentially profitable activities. ' Towards the end of the period he also wrote the celebrated *Essai sur les Mœurs* and began the *Siècle de Louis XIV.*

Following the death of Madame du Châtelet, Voltaire, persuaded by a very handsome pension, went to Berlin to be the adviser and intellectual guide to Frederick the Great. Soon, however, he quarreled with his royal patron and, despite the latter's attempts to detain him, left Potsdam. Failing to secure permission to return to France, he took up his residence first at Les Délices, and then at Ferney, near Geneva. There he spent his years in writing, in entertaining friends, as well as in carrying on tremendous correspondence with all sorts and conditions of people, from rulers to the most humble citizens of various countries who asked his advice and help in all manner of difficulties. In 1777 he went to Paris to see the production of his play, *Irène*, and received a tremendous ovation, not simply from literary people but from the populace. The exertion was, however, too much for him, and he succumbed.

The foregoing brief account should make it clear that Voltaire's life was by no means a placid one. He was not able, even had he by temperament so desired, to become the retiring student. Yet, despite distractions and a vast number of practical activities, he managed to produce, as well as a large number of plays, several histories and historical essays and a huge number of articles of one kind or another, in which he popularized social, political, and religious ideas and protested against injustice and bigotry, both in specific cases and generally. Even granted his longevity, his output was amazing, and it becomes the more so when we remember his prolific letter writing.

*Voltaire's Attitude, and His General
Influence on His Age*

What were the contents of his articles and political essays? Many of them were devoted to bringing to the attention of others the horrors of persecution and the sufferings of the persecuted. Thus he wrote considerably in connection with the

cases of Sirven, D'Etalonde, de la Barre, and, above all, Calas, as well as helping the victims or their surviving relatives. Beyond this, he was the great popularizer of his day, comparable to H. G. Wells in our own. While without the happy fortune of a newspaper chain to syndicate his articles, he was a political columnist whose every word was eagerly read by a wide circle. Much of his writing had to be published under pseudonyms, but these were always easily penetrated since his style was, and was deliberately made, unmistakable. It was his effort and the success he achieved that emancipated the literary man of France and gave to men of letters in that country the same dignity that was possessed by their English fellows. Voltaire took great trouble to escape from those who hounded him until it finally became impossible, or at least inexpedient, to persecute a literary idol.

By what magic did Voltaire accomplish all this? First of all, he was possessed of quite unusual courage. His own frequent flights and the subterfuges he used to hide his authorship of various works may lead some to question this. Yet pointless martyrdom is unprofitable and absurd; while in view of the censorship of the day, it was surely sound discretion to use necessary subterfuges to get one's ideas before the public, and to stir up an opinion opposed to the existing institutions. Certainly Voltaire was not unique in the use of these devices, though he showed a singular inventiveness in finding new ones, and used them more than others because he wrote more. Where his courage shows is, first, in his willingness to call a spade a spade.

Voltaire was not a humble advocate of reform, nor yet did he confine himself to vague, general criticism, abstrusely stated. He attacked existing institutions quite mercilessly, showing their specific weaknesses and the social consequences of their functioning. He made bitter mockery of the prejudices and poses of the day, sparing none. Writers, nobles, king, church, all suffered from his barbs. He drew up a detailed indictment against a whole system. Above all, he attacked the Catholic Church, which was a bulwark of the state and used the state's power for socially useless persecution. His repeated battle cry, "*écrasez l'infame*," crush the infamous one, directed against that

institution, was scarcely calculated to gain him freedom from molestation. Nor was his more general attack on the facile optimism of those who believed in a continuous benevolent providence likely to win the approval of contented supporters of the *status quo*. *Candide*, written following the terrible earthquake at Lisbon, revealed the misery of the normal man's lot and blasted the idea that all is for the best in the best of all possible worlds. That work was, indeed, written in the form of a romance, and Voltaire was not averse to putting his criticism into the mouths of wise Orientals or simple Indians, where it might appeal to those with sufficient subtlety to appreciate his meaning. More frequently, however, he attacked his objective directly, stating what he meant without any disguise. This required real courage, since one who appealed to the simple minds of unsophisticated men was dangerous to the regime in a way that was not true of the writers of fictional criticism.

Secondly, more than any of the *philosophes*, he showed a tremendous concern about particular cruelties inflicted by state and church. As we have already indicated, he spent years writing about them and fighting for justice for the victims, to whom he gave also more practical aid. This was not, of course, calculated to make him popular with the authorities. Men of letters may draw general indictments against a government with comparative impunity in periods when to fight specific injustices will lead to persecution and to defamation of their character.

Yet courage of itself did not account for Voltaire's reputation. He had in addition a simple style, which made his point clear even to those of modest intelligence, though he may at times have ignored difficulties in his argument in the process. He perhaps lacked real profundity in speculation, but this was probably an aid rather than a hindrance in gaining a wide circle of readers who would spread his ideas. He did possess breadth, and saw the inter-relations of social forces more clearly than most men of his day. He penetrated the causes of existing social misery, and could make others see them. He encouraged the use of reason as a tool for testing the established ways, and himself applied it to a vast number of topics. He had no lack of conviction, and the passing years did not lead to compromise

for the sake of comfort. He was himself indignant, and he could make others share and feel his indignation. His ease of expression and clarity of statement were reinforced by a tremendous wit tipped with ironic barbs. Montesquieu's *Lettres Persanes* revealed irrational follies in French society and made men laugh. Voltaire's humor bit deep and caused those attacked to grind their teeth in impotent fury. Above all, he gained tremendous effect by repetition. Long before modern dictators, he saw the value in forming public opinion of endless reiteration of relatively simple ideas.

Voltaire was, of course, a sceptic; and he succeeded as very few have done in making scepticism popular. He could ask questions and force men to think, without provoking resentment, outside official circles, at his disturbing a ready acceptance of things as they are. Doubtless he was aided in this by the general recognition by the mass of society of how terrible things were. Further than this, he was realistic, having his feet securely planted on the earth. He might popularize science and discuss the nature of God. Yet even then he was concerned with practical utility; while in his political discussion he avoided the pitfalls of abstract inquiry and appealed directly to common experience. He made men see the results of persecution and of censorship as effecting their own lives; and, while he used the traditional arguments of those advocating toleration, he pointed to the practical gain therefrom as well as to the ethical rightness of the position. Where Rousseau appealed to intuition and emotion, making reason a mere tool for their conveyance, Voltaire gave emotional drive to rationalism itself, revealing how the very mind may be the residence of strong feeling. It was a reason applied to society, and it was accompanied by a deep sympathy for suffering humanity, by an extraordinary humanistic insight.

Hitherto we may have conveyed the impression that Voltaire was at bottom an unphilosophic soul, concerned with the immediate problems and abuses of his day and unaware of the wider background of human history. Perhaps the reader has gained the idea that he was a radical reformer, interested in immediate and violent change. Nothing could be further

from the truth. While Voltaire had first been a great dramatist, he was next a great historian. He looked upon his own time and place as but a part of world history, as a particular illustration of man's irrational absurdity and of the prevalence throughout human history of cruelty. While he was a rationalist, he believed that reason must be applied to an examination and criticism of men's actual experience through time, that only thus could profitable lessons be learned or sound principles discovered. Whereas Montesquieu had denied the working of chance in human affairs, Voltaire admitted it and recognized it as a limitation on one's capacity to discover certain truths. But while Montesquieu, despite his unwitting and partial dissent from Bodin, had only looked at a small portion of history, even though he regarded that broadly, in a sociological vein, Voltaire was broad both in his method of treating history and in his concept of its scope. He realized that history was universal history, that it did not begin with the Greeks, and that it was not confined to the western world; while national history was but a tiny part of a vast story, however significant to the members of a particular nation.

At the same time he denied the validity of historical studies undertaken to justify some particular institution, whether church or state, as he also denied the usefulness of confining history to an account of what great men have done. He insisted that history was cultural history and he was among the first directly to attack the "great man" theory. He saw leaders and rulers as manifestations of their age. But he believed that what was vital was what happened to the ordinary man, whose defender he ever was.

Nevertheless, he perceived the significance of culture in the narrower sense, recognizing that scientists and poets and philosophers were in the long run more important than kings and generals. His general reflections on these matters were contained in the *Essai sur les Moeurs*, while he illustrated their application in his histories of the reigns of Charles XII and Louis XIV.

Among the specific lessons he drew from history, two may be mentioned. First, he believed that for adequate social activ-

ity it was necessary to have clear, known laws. Like Montesquieu, he felt that these should be related to the peoples to whom they were to apply. Unlike the latter, however, he realized that to accomplish this linking it was always necessary in their making to consult those to be affected by legislation and to obtain their consent thereto. This did not for him imply democracy: it did imply knowledge by rational governors of what was going on. The ruler must not be arbitrary: he could not help being so while he lived in an artificial society divorced from contact with the life of the inhabitants of his realm.

The second great principle was that orthodoxy is dangerous, depriving a community of the value of the reflections of thoughtful minds and producing widespread misery through persecution of those whose only sin is to disagree, to think differently. He was opposed to orthodoxy in the state as it showed itself in the form of despotism. He was opposed even more thoroughly to religious orthodoxy, particularly when armed with political power. For history showed him that men had believed in many strange gods and had held faiths antagonistic and mutually exclusive with equal conviction and ardor. As a rationalist, he concluded that all religions equally lack objective truth, and equally possess subjective truth from the point of view of the believer. Moreover, he saw that established religions, protected against criticism, led to intellectual inertia and to a willingness in their believers, abandoning reason, to cherish every sort of absurdity.

*Voltaire's Concept of the State:
the Need for Liberty*

History not unnaturally led him to consider the nature of the state. Politics for him was an inductive science, even though its laws were to be discovered by applying the criterion of the behavior of a rational animal. That is, when one observed success or failure in government, one must seek for an explanation in the facts presented; but that explanation could be found by discovering where rulers had followed or departed from the teachings of reason. Political science was not a technique of

discovering a whole system by deductions from simple, and untested, premises: it consisted in the unremitting use of reason to test the effectiveness of actual institutions in satisfying men's needs.

Much more significant was Voltaire's insistence that the state was not an end, but a means; that its object was the satisfaction of the wants of its members, not independent glory and greatness for itself regardless of their fate. What he was really doing here was to argue that power is a trust, and to deny that the welfare of the state was synonymous with the glory and pleasure of its rulers. He had condemned that principle as he saw it manifested in the life of Louis XIV, to whom he attributed the celebrated *mot, l'état, c'est moi*.

Perhaps at this point it is well to note that nationalism, a force which he deplored, subsequently led even democracies to believe in the independent ends of the state; while a revival of this avowed philosophy is one of the major marks of the present day. In many countries it is leading to a denial that individuals possess rights, and even here there seems to be some danger of following the European trend. It was against just such a denial in his own day that Voltaire spent years protesting.

Voltaire saw that, if the state was to be a means rather than an end, it was necessary for men to have definite, known, and guaranteed rights. They must, that is to say, have protection against the arbitrary exercise of power by government and must be assured of safety and freedom to carry on fearlessly those activities that profit them without harming their neighbors. Liberty, then, was necessary—the liberty to function under known rules and to be given a fair trial when accused of offenses. Voltaire is here at one with Montesquieu.

But if liberty was for Voltaire legal liberty, it was also that more positive freedom so ill described by the word "toleration." For, again like Montesquieu, he objects to men being persecuted for their beliefs, and wants liberty of conscience. He points out that persecution rarely produces conviction, and that conviction so produced is in any case useless. He insists that intolerance results in the state's not fulfilling its function as above defined, while depriving it of that criticism so necessary for its

own health. Even with a general good will, it cannot promote well-being when it does not know men's views and desires through its own short-sighted repression.

Moreover persecution is very costly to the state, depriving it of useful workers. Like many of his predecessors, he uses the revocation of the Edict of Nantes as an illustration. That event had made a profound impression on men's minds, even though the rulers of France themselves were seemingly unconcerned at their loss. Since the latter had not after that date been, in general, men of deep religious conviction, their support of the policy might seem a little strange. They realized, however, the conservative force of Catholicism, and, aware that all was not well in their own regime, feared scepticism; while the interests of the nobility in church and in state were too intimately connected to allow one to be attacked without weakening the other. If they agreed with Voltaire on no other point, they accepted his own doctrine, which we will discuss later, that religion is a useful guaranty of social order, though they identified religion with the dominant and established Catholic Church.

Voltaire, being a *philosophe*, considered doubt the main-spring of progress, leading men to question, to discover new truth, and, on the basis of that truth, to erect new and better institutions. He is the great disciple of that distinguished sceptic at the turn of century, Pierre Bayle, whose vast *Dictionary* had justified unbelief but whose scholarly scepticism had prevented any positive enthusiasm, so that the work of constructive destruction was left for Voltaire and the Encyclopedists. The prevailing attitudes had also changed in the interim, so that a success was possible for the latter that the former would not have achieved even had he desired.

Voltaire believed that tolerance in England, which had so often received refugees, was not unconnected with the inventiveness of its people and its growing prosperity. He was not entirely wrong in this, and the Industrial Revolution doubtless owed much to the inquiring mind unhampered by the state; though one should perhaps remember that, if England was tolerant as against France in not positively persecuting those who insisted on dissenting from its own established church, it never-

theless carefully preserved, and was to preserve until the middle of the next century, a variety of laws imposing civil and political disabilities as the price of dissent.

However valid Voltaire's argument, it was irrelevant as far as the French monarchy was concerned: the king, the nobility and the clergy were not interested in prosperity and progress, but in the preservation of privilege. New ideas were dangerous just because Voltaire was right: a regime that over a century had made men increasingly miserable and that had heightened the contrasts of inequality dared not reform or allow inquiry just because that would provoke its own overthrow. While persecution may never be ultimately successful when applied to large groups, it nevertheless can create an immediate order. It is when fear or weakness lead to concession that the real threat to a regime arises. Once one has refused toleration, one changes one's attitude at one's peril.

Voltaire further argued, like the Politiques before him, that it was folly for the state to sacrifice its temporal interests to serve a foreign church, unconcerned with anything save its own selfish desires. Two things are, however, to be remembered. The Gallican tradition, which had resulted in a reasonable independence for the French church and had proved the foundation of a *modus vivendi* between the Bourbons and the Popes, was not at the time a very strong positive force directed against foreign control, the dangers of which had manifestly disappeared. At the same time the Jesuits, who by an irony of fate had given Voltaire his early schooling, were in the ascendant, and their influence was always ultramontane. Hence, when Voltaire insisted that in the relations of church and state, the state must be supreme that temporal order might be secure, his criticism largely missed the mark. For if in the long run church exactions were a source of weakness to the existing system, immediately they profited it; and with a vision for them unusual, noble and prelate saw that they must hang together or hang separately. Nor were the costs of supporting the church great, in terms of the total expenses of government; while, if resentment was provoked by frequent tortures and executions of the heretical, the latter were at the time disorganized and

powerless, while a superstitious people was not difficult to incite to a joy in, and a demand for, acts of public sadism in the name of religion.

Positively, Voltaire insisted that a church was by its very nature a voluntary association, founded on like-mindedness. If this showed a sympathetic understanding of the nature of religious belief, it completely ignored the fact that church supporters, while often superstitious, no less frequently shared Voltaire's scepticism but turned it to different ends. The church as an institution was a political and not a moral force, and hypocrisy was unimportant and a small cost in the balance of *Realpolitik*. Voltaire wanted a state religion as support for a rational government against an ignorant mob: his opponents desired one to keep the masses ignorant that irrational government might be secure.

It was, however, Voltaire's own influence that was to change the aspect of that balance sheet. From the point of view of the existing regime it was a major tragedy that he had not earlier been exterminated, and could not later be apprehended. Indeed, the ultimate indictment of the policy of persecution was that it was conducted no less shortsightedly than the rest of the government, and that the danger of the written word was recognized too late. It is, of course, true that permission to print was frequently denied by the government, that illicit works were confiscated, and that those selling them, particularly the anonymous and frequently ignorant *colporteurs* who hawked them on barrows in the streets, were harshly punished. But large sections of the nobility and of the ladies of the court failed to coöperate with the government and, themselves sceptical, encouraged those who at once criticized and entertained, even giving them protection against the government officials responsible for the maintenance of political and religious orthodoxy.

As a corollary and guaranty of toleration, Voltaire held that certain specific liberties had to be secured and protected. First, manifestly, was liberty of speech and of writing. What Voltaire here desired was a copy of the English law, which allowed men to say or print anything they liked, with subsequent

punishment for libel or sedition if at a public trial they were found guilty by a jury of their peers. There would be no permission from the king to print, no punishment for printing because it displeased the powers that be, and no confiscation of books or sending of their vendors to the galleys.

To make such liberty effective one would need liberty of the person, of the body. Here again Voltaire approves the English method, with its *habeas corpus* procedure. There is to be no arbitrary arrest, no commitment to prison without formal accusation and indictment, and no keeping indefinitely in prison without trial.

All this clearly necessitated reform of the criminal and civil law, of which Voltaire and Montesquieu were both leading advocates. Formal indictment was unknown in France, at least when the complainant came from the privileged class or when the government itself took action. Men were simply seized and thrown into prison, being given time to repent of their sins. Frequently they were forgotten and languished in underground, rat-infested *oubliettes*, sometimes up to their knees in water. During the Revolution such persons were discovered half dead and raving, as were grim skeletons, unknown unless the living being had chanced to scratch his name, and perhaps a pathetic message, on the wall. While the Bastille itself was a gentleman's prison, perhaps not totally dissimilar to modern alimony jails, so-called, and although the revolutionary mobs' hate was somewhat misdirected, there were plenty of less pleasant prisons that fully justified such indignation.

When an accused person had the benefit of being brought to trial, he usually found that he could not summon witnesses or force them to appear; while to elicit his own testimony, as well as that of any persons whose aid the prosecutor desired, torture was regularly used. Indeed torture was still considered in France the most effective way of obtaining the truth from the accused. The procedure is indeed effective, however inhumane, when the persons involved are in fact guilty; but those who are not, as well as witnesses subjected to such agony, are likely to use their imagination or complaisantly to agree with the hypotheses of their persecutors, in order to escape further

pain. Voltaire pointed all this out, and showed that in England a kindlier system did not lead to an increase in crime, but rather produced a more law-abiding people. Neither experience nor common sense, however, produced conviction in the existing rulers. Here again, we must in fairness point out that governments in general were slow in learning the lesson, and that even until the middle of the last century western, as well as eastern, countries continued that practice, while the dictatorships of today seem to be reviving torture and abandoning the judicial methods established with such difficulty. One is almost led to conclude that torture is a necessary concomitant of despotism, and on this ground alone to defend democracy in the name of humanity, even though acknowledging the truth of Montesquieu's contention that different governments are suited to different periods.

Yet more far-reaching was Voltaire's suggestion that civil law must be at once codified and unified, that men might know what it was, and might not be punished for ignorance when knowledge was unattainable. Scarcely less than Montesquieu, Voltaire was an influence on the later codemakers.

*Political Organization: the Value of
Benevolent Despotism*

What positive political organization did Voltaire advocate? Certainly he was against despotic government, and would have agreed with Montesquieu that its principle was fear. With it he contrasted the parliamentary government of England. While in that country he had sat in the Visitors' Gallery of the House of Commons and listened to debates, and he was greatly impressed by the business-like character of Parliament, as well as by the liberty and fearlessness of its members. Yet he realized that the Parliament was the product of a long history and that the Estates-General, having been long in abeyance, were hardly likely, if called, to function in the same way.

Further, he admitted that democracy was the best form of government. For under it there was prosperity, based on en-

ergy and resulting in peaceful progress. Perhaps he idealized democracy too much, but one must remember again that democracy to his world meant direct, city-state democracy, and that it was not until after the American Revolution that one got representative democracy, which is what we normally mean when we use the term. Indeed, he specifically stated that democracy was only suitable to a small country. Hence it could not apply to France. There he desired either a republic, a representative democracy based on a limited franchise, with only tax-payers who had a stake in the country voting, or enlightened despotism.

The belief that enlightened despotism was possible and would profit a country was based on a certain amount of experience. The king of France might confine his interest to his amours, and might be unintelligent and ignorant of philosophy, but in Russia, supposedly so backward, Catherine the Great found that a hectic personal life was not incompatible with the pursuit of statecraft. She posed as a benevolent despot and did a great deal to modernize her country, even though her benevolence may have been less obvious to her subjects than to flattered philosophers regarding from afar. She communicated with them, and gave Rousseau a cordial invitation to come to her court, which he at least, with an unusual suspicion of monarchs, refused, though it was for her that he wrote the proposed constitution for Poland that was never put into effect. But Diderot, Voltaire, and a host of others saw in her the wise monarch who encouraged thought and stimulated economic progress and social betterment.

Another example was available even nearer home. Frederick the Great, that nationalist military genius and despoiler of Poland, professed a delightful cosmopolitanism, encouraged internal improvements, tolerated a free expression of opinion based largely on contempt of writers and a conviction of his own security, and entertained philosophers at his court. Indeed, Voltaire himself went to Potsdam under the king's patronage and the promise of a large salary. The stay was not an entirely happy one. Voltaire left in high dudgeon, and mutual recrimination followed. Yet his admiration for Frederick was

real and, though he refused to go back, friendly correspondence was established and continued.

Since the condition of the people in Russia and Germany, at least in terms of ignorance and the survival of feudal institutions, was closer to that of France than was the condition of England, it was natural that Voltaire, as well as others, should think enlightened despotism a better form than parliamentary democracy.

Voltaire was, moreover, a man of property. He was as thoroughly bourgeois as the good Benjamin Franklin, though, where the latter prided himself on his tradesman's way of life and appeared homespun and frugal, the former adopted the ways of a more aristocratic group. He had, however, made his fortune by speculation and sound investment, but had added to it somewhat by the profession of letters. He was anxious for freedom that prosperity might be increased. He was no less anxious for order that property might be secure. In his defense of liberty of thought he went beyond the narrow confines of class interest; but, that apart, his insistence on reform was a demand for equality of opportunity and a social position based on success in the market place. He may have been demophile, but he feared the mass, *la canaille*, and so was not a democrat.

Indeed, he was a strong opponent of revolution and disliked any form of popular disturbance. He had no objection to a government by representatives of the taxpaying class, provided they themselves were men of fortune, and were a benevolent despot undiscoverable. But it was the latter's government which he preferred. He had none of Rousseau's passion for equality. To him equality meant, simply, confusion. He believed in distinctions, and deplored the existing class divisions only because they seemed to him irrational, being based on the accident of birth. The rational distinction that ought to be observed was distinction based on ability, which he at times tended to identify with a capacity to succeed in practically useful activities. If he wanted the intellectually distinguished to have a high position in society, his own experience also suggested that, with disabilities removed, they could readily join the propertied classes.

Men, being different in abilities, had different functions and should have different influence in terms thereof. In this respect Voltaire is a good disciple of Plato, though lacking to a considerable degree the latter's realization that wealth, even when acquired by one's personal enterprise, is no more a sound yardstick of ability than birth, that it corrupts men so that, obsessed by their own interest, they neglect the common weal and in turn become despotic. Yet he was not entirely unaware of the dangers of great inequality and of the resentment it provoked: the existing situation would not allow one to ignore it. Certainly he had little but contempt for idlers living on unearned income, the product of exploitation of serfs or of grinding taxation. Moreover, he believed that, if men were not equal, they nevertheless had equal claims to an opportunity to be happy, though the type of happiness suitable to various levels might differ. Voltaire, apparently, like countless religious and moral thinkers, did not believe that happiness was closely connected with wealth, insisting that an equal right to it did not imply equality of either wealth or rank.

This may be true, but the power of the wealthy, which developed from that bourgeois system he himself espoused, and the growth of vast inequalities certainly deprived the masses of any chance to attain real happiness, unless one considers happiness a purely internal matter unaffected by one's way of earning a living or by one's material surroundings. To deplore too great divergencies in wealth was not enough, since these were the necessary outcome of freedom of enterprise when the competitors started with unequal resources, not to mention unequal abilities.

Voltaire also insisted that there must be a chance to change one's position in society, and it is in fairness to be noted that during the earlier days of industrialism there was real opportunity for individuals to rise by their own efforts. Nevertheless this whole section suggests serious doubts as to the scope of his humanity, and leads one to the conclusion that he was rather definitely the philosopher of a class, who protested against certain institutions as much because they hampered it as because they were cruel and irrational. This suspicion is heightened by

his frequent repetition of his fear of the multitude, which he considers completely foolish, though he has some hope for its improvement in the long run. Concerning one aspect of equality he is indeed liberal and advanced. Before Mary Woolstonecraft and John Stuart Mill, he stands as an advocate of women's rights, insisting that man and wife at least are equal, and protesting against the husband's authority over the person and property of his spouse.

The State and Religion

His attitude towards religion, on its constructive side, confirms one's impressions of his bias. He was a rationalist and a deist, and so objected to superstition. Yet he believed in the need for God, whether the Almighty actually existed or no. God was not a beatific vision and a promise for eternity. He was a club over the heads of the multitude. Voltaire may have disliked the cruelty done by man to man in the name of God, but he believed thoroughly in the fear of God as a social bond. He differed in this from a materialist like Holbach or a social utilitarian like Helvetius. For to him the value of social cooperation and the recognition of the profits of social peace were not alone enough to keep men united and to prevent revolutionary disturbance. God was particularly necessary since the short-sighted people might be seduced by the egalitarian emotion of a Rousseau and might not willingly accept that subordinate position proper to their gifts and deserts. Moreover Voltaire, despite the moral laxity of his age, in which he himself shared, believed in the moral virtues, in both the sexual and the general sense of the term. Right living, prudence, thrift were all to be inculcated, since they gave to the ordinary man a sense of responsibility and a sobriety that prevented discontent and disorder. This is closely akin to that Puritanism which emphasized economic enterprise, and suggests an interesting analogy with the maxims of Samuel Smiles.

Nevertheless Voltaire was not a supporter of the harsh life without graces, endured in order to gain profit. For he believed fully in the desirability of civilization, in fine, broad, and

cultured living, and perhaps even in munificence; and his own life was an illustration of that belief. Asceticism was totally repugnant to him and seemed to him a weird and absurd perversion. Sceptical about a future life, and believing in a rational religion, he saw little value in self-mortification to overcome sin and to attain salvation. He objected to it no less as a means of building up a bank balance, for he realized, as not a few modern businessmen have failed to do, that money and the struggle to acquire it were not the ultimate ends of human activity and that wealth was desirable in order to command the necessities and luxuries that permitted civilized living. He had not been subjected to a Puritan training, and, while a good business man, he did not, like Franklin, praise frugality as an admirable characteristic.

On the other hand, he did not believe in material enjoyment as itself an end. It merely gave a suitable setting for the development of intellectual and aesthetic capacities.

Yet for such a civilization to thrive, order had to be secured. That was the very first necessity in society, and whatever the abuses of a regime, rapid change was highly dangerous. Voltaire may not be so conservative as Burke, but he has a real fear of sudden innovations; though, unlike Burke, he fails to perceive that reason, particularly when combined with satire, may provoke contempt for the established and itself prove the stimulus for its violent destruction.

Certain social reforms were indeed dear to Voltaire's heart, though it is to be noted that they were all intended as preservatives of order. First he advocated early and universal marriage. He believed such behavior would be a great deterrent from crime. The married man would have responsibility and would not willingly risk imprisonment and the resultant deprivation of his family through lack of means of support. The idea is interesting, though debatable. Certainly not a few contemporary psychiatrists would agree with him in principle, seeing in sexual deprivation a source of perverted, and hence potentially criminal, personalities. It is to be noted, however, that criminals do not, in the main, come from the middle class, white collar, and professional groups, for whom marriage is most

delayed. Moreover, in the poorer classes, despair and the feeling that one's dependents are in need is responsible for not a little crime. Yet against this once more must be set the fact that the organized criminals of our age are increasingly drawn from the young, unmarried and without responsibility. Certainly we should today admit that for too large a group marriage is unwisely delayed through economic necessity, though whether this can be avoided in an inegalitarian society seems highly doubtful.

Second, Voltaire advocated the education of the masses that they might be made more socially useful. Partly he had in mind the inculcation of civic virtue; but once more he was most fundamentally concerned with the economic problem, being anxious on the one hand to develop the national wealth and on the other hand to make people orderly by giving them skills resulting in decent and profitable employment. It is perhaps worthy of note that a century later England adopted a state educational policy for just these reasons.

On the other hand, it is significant that, as education has spread, it has lead in the masses not simply to an increased awareness of their miseries but to organization and to concerted demand for social change in the direction of equality, a demand frequently resulting in disorder, as in strikes, and occasionally leading to revolution.

Third, Voltaire insisted that the state must aid the poor. This was no doubt in part due to his sense that society had a responsibility for its members, but again his basic motivation was his fear of disturbance if conditions got too bad. Yet, as we have suggested, it is normally when reform begins and slight improvements in the conditions of the poor take place that revolution occurs. The hungry may create disturbances: they are rarely capable of adequate organization or of the effort necessary to attain a thorough change of social institutions. On the other hand, we may note that in our own day the increased functions of the state in caring for the unemployed have led to an increased dependence on it, and have in certain countries resulted in leading those made dependent to give support to fascist movements rather than in driving them into the com-

munist camp. Essentially Voltaire advocated bribing those who may become dangerous.

Pacifism and Cosmopolitanism

Such was Voltaire's philosophy insofar as it concerned the internal affairs of the state. Not the least of his contributions, however, was in the international sphere. He was a thoroughgoing pacifist and a cosmopolitan. To him war seemed irrational and unmitigatedly evil, and he stressed not a few of the arguments that have become the stock in trade of the opponents of war. Unfortunately, a rational indictment of war seems to be sadly ineffective as a means of securing peace. He pointed out that in war the wrong men would be killed, since bullets were incapable of distinguishing between the useful and the useless. Promising genius would frequently fall, while morons would escape. Today we have given this argument a more biological turn, insisting that it is the soundest stocks that get into the ranks, the weak and ailing being left behind, and that the result is a decrease in the quality of the population felt long after the war itself is over.

Second, wars were made in the interest of but a small part of the state. Voltaire was, of course, thinking of the dynastic wars that had marked French history and of wars conducted for the aggrandizement of rulers and the glorification of a small caste. Had he lived to see the vast capacity for mutual extermination possessed by a bourgeoisie inspired by ideas of national profit and interested in economic imperialism, he would surely have been astonished. He accepted the general view common in his land and time that a commercial people had a deep interest in peace.

Third, he pointed out that war was not a paying proposition. The France of his day was in a ruinous condition, for which a series of expensive wars was largely responsible. Trade and commerce had been sacrificed in the interests of purposeless victory, while the huge taxation, which fell mainly on the peasants and was ruining agriculture, was also the result of the costs of war. It is interesting to note that already under Louis XIV, Vauban, the great military engineer, who had travelled around

France establishing fortifications and had ultimately become a marshal despite plebeian origins, had pointed out this very fact and, though his occupation was war, had advocated the making of peace. That war is not generally a paying proposition is a lesson more bitterly taught since Voltaire's time and one that has impressed the present generation, still paying the costs of the conflict some decades distant.

Lastly Voltaire points out that war is an aid to despotism by reason of the control over civil life given to the military authorities in its course. Again our own experience seems to confirm the truth of his statement: a war to make the world safe for democracy has resulted in a extraordinary proliferation of dictatorships.

Voltaire's attitude towards patriotism followed logically from his feelings about war. In his contempt for this supposed virtue, he agreed with Dr. Johnson and thoroughly rejected that emotional and unreflective position, "My country, right or wrong!" To him a man's country was not a superior being to whom unthinking sacrifice and worship were due. It was to be judged according to the value of its performance in rendering the subjects' life worthwhile. One was to feel loyalty for it because of its cultural contributions and its social order, not simply because it was one's country. One should condemn it when its behavior was unjust and its institutions corrupt, and one should not allow a recognition of its virtues to lead to a denial of the virtues of others. One's country was not superior to all others and was not the sole guardian of civilization. Voltaire in no way shared that later conviction of *la mission civilisatrice de la France*. On the contrary, he pointed out that love of one's country all too often meant hatred of others and gave one a sense that others were wicked and inferior.

The nationalism that was to follow the French revolution unfortunately spread this latter feeling and made it general, while vast numbers of men were patriots just because, having no reason for personal pride, they could yet compensate for a sense of inferiority by contempt for those who spoke another tongue or were differently pigmented.

Lastly, he saw that patriotism and nationalism led to a wor-

ship of success, whether moral or not, and he had a conviction that the quality of national life was more important than the strength at the nation's command. Frederick the Great was already illustrating the principles of power politics, and Voltaire completely disapproved of his activities in this sphere. The subsequent history of the western world, and even of late of the East, has been a continuous variation on the power theme, on the idea that might is right. The consequences of such behavior have in our day led an increasing number of intelligent persons to adopt the Voltairean position.

Voltaire believed that cosmopolitanism was the ideal to be achieved and the only rational system. Men would then meet one another as men and be esteemed not in terms of their origin but of their abilities. Immediately he saw that cosmopolitanism was impossible for the masses, since they did not and could not meet. It could, however, be cultivated and spread by the élite, by the educated of all lands. This was a popular delusion of the philosophers of the day, though among themselves they did indeed give to the cosmopolitan ideal a considerable degree of reality. It was the age of the Grand Tour, while the terminology of philosophical discourse was the same throughout the world, even though vernacular tongues had triumphed. The ardent cultivation of national cultures had not yet begun, and men discussed human problems with the common premise of a rational man. Voltaire had himself been received in learned circles in England, while the French salons were continually invaded by foreign visitors. Indeed one has only to recall the warmth of the reception given to Franklin in France, or the fact that Paine was granted French citizenship and became a member of the Convention, to see how far the ideal achieved success.

One should, however, remember that the educated class was limited and had been brought up under a common tradition, and that it was moreover an isolated class living in an unreal world of its own, even though aware of the life around. Cosmopolitanism could not be spread to the masses, while those who were cosmopolitans had but a small influence on political policies.

The concept would indeed survive for some time under the

guise of free trade, anti-imperialism, and pacifism, as exemplified by Cobden and Bright, but in their time it achieved such success as it did because it suited one particular nation, England. By then the Napoleonic wars and the era of Metternich had already resulted in nationalism and mutual hatred in which even cultural cosmopolitanism was largely submerged. Scholarship has indeed remained a common possession, though scholars have emphasized their particular national bias in their interpretations. Science likewise still retains its position as something transcending national boundaries, though on its applied side it shows itself in the common possession of a similar equipment for extermination no less than in the sharing of knowledge directed to an amelioration of the human lot.

In this respect Montesquieu was wiser than Voltaire, recognizing that men were not simply rational animals but the products of specific circumstances with particular emotional attachments and a limited vision. Despite the attempts today to create a more united world, and despite the increase in the common heritage, it is more and more recognized that an adequate international society can only be attained by acknowledging and giving scope to national differences.

The influence of Voltaire is not so specific as that of some other thinkers. His general advocacy of toleration and his defense of the rights of the human mind indeed became part of the liberal tradition and combined with similar arguments by others to produce changes in the direction of freedom. While this part of his thought was quite fundamental in shaping the attitude of French republicans and played a considerable role in the development of the tradition of anti-clericalism and scepticism that marks the life of contemporary France, at least on its male and political side, his limited doctrine of political liberty also had influence there, as is particularly obvious in the philosophy of the moderate republicans of the post-Napoleonic era. It received almost a literal translation in the practice of the Orléanist monarchy, with its dominant bourgeois group and its limited sharing of political power on a basis of property qualifications. More generally, it may be certain that Voltaire, no less than Locke, is the philosopher of

bourgeois capitalism, though the latter's influence in Anglo-Saxon countries, owing to his combining the defense of property with a democratic theory, has been much more profound. Indeed Voltaire is generally thought of as a rationalist and a sceptic, mainly significant in that by defending freedom of thought, he prepared the way for infinite dissent, which at length resulted in the respectability of unbelief.

Bibliographical Note

Ch. V of Kingsley Martin's work gives a good analysis of Voltaire's ideas. These are also discussed in an essay by J. B. Black in Hearnshaw's *The Social and Political Ideas of Some Great Thinkers of the Age of Reason*. J. Morley's work on *Voltaire* is on the whole sounder than his work on Rousseau, though concerned more with Voltaire's liberal scepticism than with his economic and social prejudices. H. N. Brailsford has recently published a fine and critical work on *Voltaire*, which discusses thoroughly his whole social philosophy. An account of Voltaire's religious ideas and their origins is given in *Voltaire and the English Deists*, by N. L. Torrey, who has also published a short book of selections, illustrating in the main Voltaire's views on toleration. Voltaire's works take up a vast number of volumes. The beginner may, however, get some idea of his thought and style by reading on the one hand *Candide* and on the other *Letters Concerning the English Nation*.

CHAPTER XXIV

Burke: Historical Liberalism as the Basis of Conservatism; a Defense of the Landed Gentry

Burke's Life: Ireland, Journalism, Politics

EDMUND BURKE (1729-1797) was born in Ireland. His people were of the middle class, substantial, but lacking influence or great wealth. Hence, while they were able to give their son a good education, it was on his own efforts that he had to rely in making his career. A cousin and a brother, it is true, aided his entry into politics by connections they had made, though subsequently they became a burden on his inadequate finances. Moreover, they were at times involved in somewhat shady financial transactions, which, through their close contacts with him, cast some reflection on his honesty and the disinterestedness of his motives.

His mother was a Roman Catholic, at a time when that faith was in Ireland subject to harsh laws and severe civic disabilities imposed by England. The father, anxious for careers for his sons, accordingly had them brought up as Protestants. Nevertheless, Burke's early political life was made difficult by popular accusations of papism, and at the time of the Gordon riots his friends feared for his personal safety in turbulent London, which he refused to quit. Yet it was perhaps in part maternal influence that developed in him some degree of religious toleration, as well as a constant interest in the well-being of his native land.

His father, a retired solicitor, was a confirmed believer in the nobility of the legal life. Accordingly, after Burke had finish-

ed his college career at the University of Dublin, where his oratorical talents, as well as a deep interest in history, clearly emerged, he was sent to London to pursue legal studies at the Inns of Court. His father hoped that he would come forth a duly qualified barrister, but while Burke acquired a considerable knowledge of law, particularly of English law, which was to stand him in good stead in his political life, he had not the type of mind which could subdue itself to a narrow legalism, or even find through law a path to broader interests. Accordingly he gave much of his time to wide reading, pursuing a course of social and cultural studies. He never completed his legal work, and a disappointed father withdrew his financial support, leaving him to gain wisdom and a livelihood as best he might.

Without funds or prospects, he showed his wisdom by getting married. However improvident this may have been, it apparently proved successful. His wife, the daughter of a prosperous doctor, was calm, sensible, and accomplished, and won the respect and approval of not a few distinguished persons of the day. Doubtless her balanced temperament had a soothing effect on the brilliant, but sometimes irritable, husband, whom she was to survive by many years.

How Burke gained a livelihood is not quite clear, for it was not till much later, in his middle thirties, that he entered politics and began his real career. Part of the time he was a London journalist and hack writer. Yet a considerable period seems to have been spent in rural retreat and local travel, as well as in prolonged visits to a hospitable father-in-law. Intellectually it was clearly a period of considerable development, spent in wide reading and the formulation of his later philosophy. Certainly it was an admirable preparation for the future guide of the Whig party. Yet it is unlikely that he had any conception of the career awaiting him or any definite aim. He hoped, indeed, to make his mark, and was optimistic enough to believe that his talents would win recognition; but a permanent interest in political and social problems was the only sign of the road he was likely to travel.

Two works mark this early period before he became attach-



Edmund Burke

ed to politicians or entered Parliament. The one, *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*, constituted a philosophy of esthetics, now outmoded and unread. Apart from its showing his literary and argumentative power, it had no great influence in England, though it proved the basis of a European reputation and had through Lessing a considerable effect on German thought.

The other, *A Vindication of Natural Society*, was the development of a youthful essay, imitating successfully the style of Bolingbroke, while satirizing the latter's ideas. In it he applied the sceptical spirit of the latter's deism to politics, showing that its rational, calculating spirit and its desire to destroy the mystery of political origins would prove a disintegrating and anarchic influence, undermining the stability of custom so necessary to social security and improvement. The satire was not recognized, and it was only with a second edition, containing an explanatory preface, that the meaning of the work became clear. It then won considerable approbation both for his views and for his youthful genius. Burke also wrote a book on English history in which he formulated his view of the British Constitution. Both works showed the general tendency of his mind, and the latter in particular was evidence of the profound influence exercised on him by Montesquieu, whose insistence on the intricacy of government and the complex growth of society won his ready consent.

It was as a young author that Burke entered the circle of Samuel Johnson, a group of varied men with fine minds and wide interests. They rapidly recognized his genius and personal charm, and Johnson himself, despite differences of political opinion, acclaimed his outstanding ability and watched for his success. With this group Burke spent much of his time when in London, finding in it both a stimulus and a relief from the political labors he was to undertake.

It was while his authorism was still fresh that he left London to return to his native land as secretary and companion to "Single-Speech" Hamilton, a minor politician who had gained a reputation on a single oration followed by wise silence, had capitalized on the fame thus acquired, and now found himself

going to Ireland as secretary to the Lieutenant Governor. In payment for Burke's services Hamilton obtained for him an Irish pension, very welcome to a young man who could rarely make both ends meet and was at the time in serious financial straits. Burke, now a man, saw Ireland with eyes turned to matters other than scenic beauty and with emotions still warm against oppression, but guided by a more mature intelligence. He perceived its economic plight, brought about largely by an outworn mercantalism, he felt bitterly the harshness of its penal laws, and he strengthened his views on the desirability of toleration and political power for Catholics. His connection with Hamilton and Ireland was not to last long: Hamilton, anxious to exploit genius, endeavored to get Burke to guarantee him life-long service, and this led to their parting, for Burke was too proud to sell himself into slavery and too aware of his merits to waste them by a permanent attachment to a petty schemer. Accordingly he severed the connection, voluntarily resigned his pension, and returned to England.

He was not for long to stay inactive: as a result of an introduction from William Burke, his cousin, he made the acquaintance of the Marquis of Rockingham and became his secretary, remaining attached to him as adviser and friend till the latter died. Rockingham was a distinguished noble, a great landowner, and an honest, if not over-forceful, politician at a time when forcefulness was more common than integrity. He was leader of one group of the Whigs, and that the most enlightened group, the Whigs having become a disintegrated and disgruntled body on losing long-held power after the accession of George III. Burke soon entered Parliament and became the philosopher and guide, though never a formal leader, of the party, fulfilling those functions for most of the rest of his life.

During these long years the party remained in opposition with the exception of two short intervals, and even then their internal divisions and the opposition of the king thwarted the adequate execution of any major policies. This was unfortunate for Burke, whose hopes for the legitimate rewards of office were thus disappointed, while his own reform of certain

abuses in administration during his first tenure of a minor position deprived him of possible revenues. Thus he was frequently in debt, despite certain legacies and the help of friends, while his early purchase of a large estate, based on optimistic and unrealized anticipations, scarcely eased the situation. Disappointment and worry added to the effects of long-lived physical ailments, and as the years passed he became increasingly sharp-tempered and difficult. Moreover, while he was a loyal party man, his vision led him into occasional differences with his friends, while his emotional outbursts made him somewhat undependable, facts that account sufficiently for his failure to attain cabinet rank. Yet opposition gives admirable opportunities for the development and expression of a political philosophy, and is likely to be peculiarly favorable to those who disagree with government policies without being willing to give themselves entirely into the hands of the other side. In such situations, intellectual leadership is deeply appreciated, particularly when coupled with sustained emotional enthusiasm.

Burke's political life covers the period from the struggles preceding the American Revolution down to the accomplishment of the French Revolution. The chief questions that agitated him were those of the proper policies of England in relation to America and France at these times, as well as the affairs of India, to which he gave a devoted attention. Yet his scope was wide, and he had much to say about Ireland, finance, patronage, parliamentary reform, and the theory of party government. Behind all this lurked his interest in the British Constitution and the well-being of the English people. From his reading of British history, his wide studies, and his observations of human behavior, he drew his general ideas and he applied these in turn to specific problems with a view to finding solutions that would lead to England's safety, progress, and honor.

Burke's Political Ideas: Liberal Conservatism

The philosophy Burke applies to these problems is that of a man who, born in an oppressed country, has, after consider-

able effort, gained for himself a recognized position in the land of the oppressor. Coming from the sober middle class, well educated, he finds that the system is favorable to the right talents, and, while proud, he accepts and eagerly defends a hierarchy headed by wise and condescending aristocrats whom he cannot but admire. Yet, while admiring the system and wishing at all costs to preserve it, he sees the need for far-sighted concession. Drenched in that interpretation of history which makes England the age-long home of freedom, he is anxious to preserve the liberties of its citizens in which he himself shares. Aware of the evils of the persecution and realizing that magnanimous gestures often pay high returns, he develops a real hatred of oppression. Nevertheless, it is life in the tradition of the past that he admires, failing entirely, despite knowledge of Adam Smith's work, to perceive the emergence of a new economic world and new classes opposed to the benevolent oppression of a landed gentry. Unable to understand the necessary outward signs of change, he regards them as the folly of demagogic envy, and stresses the preservation of order as the beginning of virtue. The established ways are the foundation of public welfare, as against which the ambitions of individuals count for nothing. Behind those ways lies a complex of rights, which rulers also must observe if they would preserve the historical values of the system. These rights, too, will be found expedient, if one looks into the infinities of the future from the long vista of the past.

Thus his outlook is an interesting combination of conservatism and liberalism. Perhaps this may be more accurately stated as follows: Government is difficult, and it is above all necessary to preserve what has been gained in the long struggle and experimentation of centuries; but since men are beings of experience and feeling, living in a world where, if the present is conditioned by the past, it still has its own existence, it may be necessary at times to make sacrifices of the archaic and to innovate moderately in order to preserve the general pattern. Human affairs can develop only at a slow speed, gradually and with order: sudden change disintegrates and destroys. The politician must above all be cautious, and must base his re-

formism on a careful comprehension of the past. He is the temporary custodian of a permanent treasure, and for a vision of passing pleasure he must not risk its loss in a gamble where victory is uncertain. Yet an unyielding stubbornness may be as destructive as utopian hopes, and the tensile strength of enlightened expediency is more valuable than the brittle force of unanchored principles.

At times, indeed, Burke seems to think that the old is necessarily valuable. His historical-mindedness is not infrequently an esthetic and romantic love of the ancient ways, and he sometimes worships outmoded forms from a responsive feeling for their origins as much as from an admiration for their survival power and a conviction that what has survived has merit. He rarely allows this feeling alone to master him, and he never succumbs to that quaint, but unreal, medievalism that rendered some of his successors and admirers a trifle absurd. He may wistfully regret the victims of time, but it is the institutions and customs that have escaped unjettisoned, even if damaged and decayed, that he earnestly defends. Their value is proved and they have a real meaning, for they have wormed their way into the very life of the people, have become an integral part of the social fabric. They may be mere trappings, they may be illogical, but they help to cement the whole, attracting men's reverence and admiration. Logic, after all, is irrelevant, since men are not logicians but creatures of sentiment. A wholesome sentimentality for the past is a potent guaranty of allegiance to the constitution and the society in which it still is embedded. Thus order and continuity are assured. Burke, in short, believes no less than Bagehot later in the effectiveness of "the cake of custom," and for not greatly dissimilar psychological reasons, though the latter felt that men had reached a stage of development where intelligence was an effective substitute therefor.¹

¹ Bagehot, who was, as previously mentioned, a liberal English thinker of the middle of the nineteenth century, began, in his *Physics and Politics*, that psychological interpretation of political behavior that has since become so popular. There he also propounded the thesis that, until modern times, communities had been held together by the compulsive authority of custom.

Burke's distrust of reason is quite basic. He observes how greatly men are creatures of prejudice, and he realizes how that prejudice, result of their experience and inheritance, attaches them to the past. It inhibits revolutionary ardor by making them comfortable in an imperfect and not consciously planned world. He admits that reason is valuable, but it is a reason directing and aiding, rather than destroying, prejudice. It is a sweet reasonableness, not an abstract rationality. The latter is proud and over-certain, unwilling to yield or adapt itself to circumstances: it is based on final principles and is not a tool working on experience.

Abstract principles may overthrow government and produce social chaos. They flow from individual wishes and presume that one may create a society by pure intelligence in a timeless and spaceless new world. Men are complex creatures living in a world of particular circumstances, of geography and history. They may not be moved like pieces in a game of chess, and the patterns and problems of their living together are not to be arranged and solved like a chess problem. To proceed thus is to court failure, since one cannot create anew, while the promise of a rosy ideal may detach the masses of unthinking men from their settled ways by seductive hope. It will lead them to destroy what they already have, the unrestorable product of a long growth and of racial wisdom.

Such an attitude is clearly the product of fear, of a realization that the desire for shortcuts to a better society may lead men to rashness, to unordered revolt that will prove difficult to check or to direct. Moreover, Burke accepts not only Montesquieu's interpretation of British constitutional wisdom, but also the latter's emphasis on the numerousness and complexity of the factors that go to form a society and to determine the success of a government, a view reinforced by his own observation. While his frequent protests that his talents are small may at times smack of false modesty, he has a genuine belief in the limitation of his powers. He feels the marvel of the historical growth of states, is almost astounded that men have managed to organize governments that work at all, secure

any order. He sees how long the process has been and how many hazards have been overcome. As he looks at the teeming society around him, as he sees the vastness of individual differences, he shows a naïve and excited wonder that there has taken place any integration and control, however imperfect, of such varied and contentious elements. Therefore, it is almost impiety for any man, or group of men, to believe that they can readily change the existing arrangements. They will succeed only in destroying the delicate and precarious structure. It must be handled with extreme gentleness, and a slight change here or there is all that the balanced individual will hope to make. If he can preserve it unharmed he has already performed a great service.

The state is an organism, not a machine. It is the result of a growing together, and it must continue to grow. It is not an organism apart from its members or above them; but the individual, who partakes in its life, is only a small part of its being. Even all the individuals composing it at one time are but a short stage in its long process. They are born in and of it, receive its knowledge and being, and continue its life by preserving that inheritance and handing it on, refreshed and unimpaired, to its newly-arriving members. The whole is bound by delicate factors, not susceptible of analysis and tabulation by individual reason, yet capable of being sensed and felt and humbly accepted.

In such a situation, men who desire to understand and want to direct and plan successfully during their little moment must draw their political philosophy from past experience. Doing this, they will naturally be distrustful, as Burke is distrustful, of novelty. Anything new is *a priori*, and by definition a change in the system, an attempt to graft something on to the existing organism. It can only be accepted if it will harmonize with the pattern, if it is digestible. Even then it must prove that it will also better that system, and will do so sufficiently to pay for the necessary disturbance and discomfort that even the healthiest change must produce. Failing in this, it should be rejected, though at the cost of continued imperfections. For it then contains elements of danger, and it is better

to be secure than ideally right. Should serious corruptions exist, they must, of course, be removed, even at a high cost. Seriousness is to be judged, however, not in terms of unfairness upon an ideal conception of justice, but by the degree to which imperfections are dangerous to the organism's life, immediately or potentially. Expediency is to be the test in particular cases, but it is a higher expediency that sees governmental continuity as a final principle.

It is not so much that Burke would sacrifice the short-run lives of individuals to the long-term view as that he believes they can only live sanely and profitably if their lives are organized in harmony with the pattern of the wider and lasting life of the community in which they share. Their acceptance of their own insignificance is the means to their happiness: they are part of a dynamic series, and they must realize this if their lives are to produce anything of value. Arrogantly to oppose themselves to the stream, to stand alone and away from their foundations, is sure disaster to themselves and may damage irreparably the whole edifice. Burke's insistence on the importance of particular circumstances is not intended to justify continuous and haphazard tampering. Rather, it is ✓ a support of his thesis of continuity and integration: he uses it to attack abstract principles, to show that the life of a society is itself particular and that the problems arising in it are peculiar to its life and need proper handling in those terms. Where, owing to the complex factors at work, unexpected problems arise, it is necessary to discover solutions with an eye to the main event, to the preservation of the general pattern. The opportunities to improve, given by fate, must be used, but this is not the same as a deliberate search for opportunities to make changes. The material of politics is not completely predictable, and in dealing with its problems there is bound to be a wide margin of error. The chances of mistakes are much increased if one consciously looks for things to change. One must be cautious and place his faith in the inscrutable workings of a higher destiny, in which Burke has no little confidence.

It may seem peculiar, and perhaps paradoxical, that Burke,

holding such a view, is eager to proclaim that in popular revolts the people are likely to be right. As he means it, it is not inconsistent with, but rather a reaffirmation of, his general philosophy. To him the people is not an unled and untrained mass, deceived by vain words and vague promises. It consists of the citizens of a sober nation, normally docile and deeply attached to the traditions of their country. If such men revolt, it creates a presumption that the persons whose business it is to protect those traditions and preserve the established forms are engaged in a work of destruction and perversion, are short-sightedly using their power for narrow ends as against the public welfare. If it is wrong to rebel against the existing scheme on abstract principles, it is no less dangerous and inexpedient for those who have power to innovate by corruption and oppression, to destroy ancient rights and liberties. Burke, in upholding popular revolt, is supporting a pure conservatism as against reaction, is defending that proper balance of forces which he perceived to be the British constitutional ideal. Burke rejected Locke's theory of natural rights, but accepted his views as to the proper constitutional arrangements for Great Britain: to him the Revolution of 1688 was historically conservative, and he desires to preserve the ancient rights it had asserted and successfully secured rather than, by the use of reason, to justify the novel claims of new interests.

It is with that Constitution and with the lives of those living under it that Burke is above all concerned. As he evolves principles from, and applies them to, specific problems, it is obvious that the British government is always in his thoughts. His philosophy is not cosmopolitan, and his outlook is not in the broad sense international. When he looks abroad, it is to strengthen and conserve the institutions and powers of Great Britain. Preservation by enlightened opportunism, his one great general principle, is always interpreted in terms of sensible British policy under particular conditions. Invariably that policy, if expressed in terms of general well-being, is in reality a plea for, and a warning to, the ruling class to which he is attached and by virtue of whose favor he enjoys his position.

Burke's View of British Freedom

The British governmental system is to Burke a proof of the wisdom of relying on the slow processes of time. It is essentially a growth, to which countless individuals, known and unknown, have contributed their little share, though individual genius has been less important than the certain march of veiled destiny. There has resulted a nice balance of the different estates of the realm, a reasonable division of power. From this there comes a decent, moderate freedom. The Revolution of 1688 settled permanently the rightful pattern of English life. He admires that revolution as an act of veneration: it was based on a deep solicitude for ancient forms and liberties and was directed against arrogant and presumptuous innovators, who believed that by their efforts they might improve on the existing scheme. Absolutism is no less an enemy of the constitution than democracy.

Burke is not a democrat. He is opposed to political, as well as economic, equality, sincerely believing that the people's well-being comes from a distribution of governmental power in such a way that the limited class of wealthy aristocrats has a preponderant influence. That group will act as benevolent trustees and will preserve the uninformed mass from rash folly, being itself interested in the protection of the institutional pattern that has grown up. The desire for electoral reform fills him with dread: he sees in it a stupid intention to oversimplify through reason, and, while an advocate of expediency, he has no more sympathy with abstract utilitarianism than with abstract jusnaturalism. He supported the unreformed House of Commons and saw in rotten and pocket boroughs a means by which the enlightened, whom the populace might reject, could find an opportunity to rule the people for its own good. His own experience, since for a long period following his failure of re-election by the electors of Bristol he represented such a constituency, strengthened this feeling. He made of the economic inequality on which this political inequality was largely based a positive justification for the system: wealth, and particularly landed wealth, gave men a stake in the country. From this they

gained a real right to power, since through it they became peculiarly solicitous of the national well-being and were restrained from hasty and unconsidered action. Their interest insured in them a wider knowledge of the country's problems than was vouchsafed the common man: hence they were its rightful guardians, and from their position and power all profited.

Parliament itself he believed to be as near perfection as possible, and he approved its ancient pageantry for the solemnity and awe that it inspired. He in no way desired to change the balance of power within it, or between it and the king. King, Lords, and Commons alike had their proper function: it was only necessary to see that they did not rob one another or gain authority not properly theirs. The existing balance and division of powers in British government was the highest marvel of political wisdom: it must be the statesman's care that this should never be upset, from within or from without. The legislation produced by this body was a means to express the general sense of the community. It was to reflect, not the casual or excited desire of the moment nor the will of one group, however large, but the long-term interest of the whole, in which all classes were harmoniously comprised and balanced.

The Nature of Representation and Party

It followed that the Member of Parliament was not a simple delegate. He was elected by a constituency, not to present its special needs, but to watch over the welfare of the whole country. It was the duty of the electors to choose men in whose ability and integrity they had confidence. Such men had a reciprocal duty to know their constituents and give them respectful attention, but this was subordinate to the wider duty of exercising the qualities for which they had been elected on behalf of the general welfare. In that welfare the real prosperity of their constituents was in the long run necessarily included. The Member, better informed as to true national needs by being at the center of affairs and away from particular prejudices, might justifiably oppose on occasion the will of his

constituents and exercise his own judgment supported by a conscience acting on knowledge. Similarly the House of Commons as a whole had as its task, not to respond immediately to every gust of popular passion or every passing demand, but to make itself responsible to the people for their lasting welfare. It might sometimes oppose them, but its opposition would be for their own good, and, like the individual member, it should only do so because in conscience convinced that they were wrong.

In view of the attitude pictured above, it may seem strange that Burke was a staunch defender of party. The party system, however, was in those days in its infancy: party organization had not the strictness that it possesses today. Burke was never an advocate of unthinking and uncritical allegiance to any group, and his support of party was compatible with a freedom to differ and on occasion to oppose those with whom one normally co-operated. He realized that men would band together and that those who had evil designs, who aimed to pervert the Constitution for their own ends, proved peculiarly apt at organization. Hence men of nobler motives must form parties in self-defense. The isolated politician remained impotent and wasted his gifts: it was better to make small sacrifices such as party demanded for the sake of coherency than to be permanently ineffective in order to remain unblemished by concession and untouched by accusations of partisanship. The man who found that his views were so unusual as to prevent him from combining with any existing group probably had no practical contribution worth making, while the person whose nice impartiality kept him from choosing or committing himself was rendered useless by his lack of enthusiasm and conviction. Those who wanted to see their ideas realized in practice would choose a party carefully and work with it eagerly, making it the vehicle in and through which their objectives might be expressed and realized. Burke had no sympathy with the Trimmer doctrines of a Halifax, while Oliver Goldsmith's epitaph on him, that "he gave up to party what was meant for mankind," would have appeared to him perverse, if not meaningless.

Similarly Burke was opposed to, and distrusted, government

by coalitions that claimed to be above party, for these were either rendered powerless by the surrender of all principles or dangerous by erecting into a principle their common desire to exploit. Instead of aiding the country by a keenly supported program conceived in an enthusiasm for its interest, they would harm it behind the screen of rationalization put forward to obscure their plundering. Just as Burke's claim of freedom from constituents was a justification of anticipated, and a defense of actual, differences with his Bristol electors, so his theory of party was an apology for the Whig Party with which he allied himself and an attack on government by the King's Friends. These latter were a group of persons who, under the guise of non-partisanship, were aiding George III to set up a personal rule, and formed a Court party to profit from loyally forwarding that design. Burke resented their implicit claim that they alone were the true supporters of the monarchy and feared that it might hide from the king his genuine interest. He saw them as a group who had abandoned all principles in the search for pelf: they were devoted only to the spoils of office. Bought by the king's favor, which they feared to lose, they would do anything to please their master and profit themselves, regardless of whether their actions coincided with, or were diametrically opposed to, the interests of the people as a whole. Themselves hirelings, they in turn bought the support of other men with the favors they had to bestow. They corrupted administration and they undermined the independence of Parliament, bending the House of Commons to their ends and destroying its privileges from within through their paid cohorts.

It must not be imagined that Burke was an enemy of royalty or a total opponent of patronage. He had no desire to see the king reduced to the position of a figurehead, stripped of all his powers. He wanted royalty to be possessed of influence and to exercise its legitimate function; but it was to be limited in that - it must not overstep its right place in the constitutional system, thereby lessening the prestige of the other parts of the government. The throne should be the focus of national loyalty: it - should not be the sole or supreme repository of power.

To keep the system pure, to redress the balance by removing

abuses, was the full limit of Burke's reforming zeal. His demand for economy was based on that alone. Stinginess and avaricious parsimony did not seem to him the fitting characteristics of a great nation. He did object to sinecures that were costly to the people and benefited only their holders. Likewise he opposed certain types of patronage that paid for anticipated service to particular interests rather than to the whole people. Ample reward for genuine services government should be able, and ought, to bestow; and even the possession of functionless titles given for meritorious actions by ancestors did not appear to him unreasonable. But such rewards should be public and should follow the event: they must not be bestowed in anticipation to secure support for their donors. Aristocracy and wealth had great powers by constitutional means. These they should enjoy and exercise without searching for others by hidden and disreputable methods. Burke is an authoritarian, but he insists that authority must act constitutionally. For its own well-being aristocracy must keep pure, or it will provoke the rage, by being the ruin, of the masses who can engulf it and destroy social reasonableness. The division of powers between classes and the existence of a popular house to represent and check the people are the outward defenses against usurpation. To undermine the influence of any one part is to weaken liberty and out of despotism to produce license. Authority finds its powers and its limitations sanctioned by age: it must accept and preserve both the one and the other. Thus Burke warns those whom he loves and serves of the behavior necessary for their self-defense.

*Burke's Views of Religion: Its Tradition
an Aid to Stable Government*

His attitude towards religion and toleration is based on a like concern for authority and for the preservation of the *status quo*. He is a staunch supporter of the Established Church in England, because its position as a part of the state strengthens and reinforces the latter. The church is the repository of ancient ceremonies, and its ritual ties men to the past and en-

courages them to accept the existing social arrangements. Religion is essentially conservative and emotional, and it is emotional attachments that are important in human affairs. With an historical religion grown into its framework, the state enjoys a peculiar stability. Moreover, the Church of England, unlike dissenting groups; is itself authoritarian, and thus far superior to these rivals. To detach it from the state, putting it on a footing with them, would be a calamity. Indeed, for Dissenters to desire an equality with the church was in itself a challenge to the state and a mark of hidden disloyalty, since the two were grown together in a mystical fusion: such a challenge was a blow at continuity and a threat of revolution.

This was not inconsistent with toleration, especially in Ireland, where Catholicism was a part of the essential social fabric. Burke was, particularly in his later years, an eager supporter of all religious belief as against the disintegrating force of atheism, although he increasingly feared the destructiveness of dissent. Moreover, just as he was anxious to attach men to the existing state by proper rewards, appealing to their self-interest, so he was afraid of detaching them from their allegiance by cruel proscriptions. He realized that the dual allegiance of the Catholic did not in fact make him a disloyal citizen. He saw, too, that Catholic and Dissenter alike could be won to a positive enthusiasm for their country by the removal of barriers resulting from their worship and insulting their self-respect. They could be repressed by law, but it was more politic, as well as just, to win them by sympathy. A special position was to be reserved for the Established Church, but this did not necessitate an insistence that individuals who did not share in its life must lose all, or many, social and political rights.

Burke's Attitude Towards the American Colonies

In dealing with America, Burke likewise desired to gain support for British institutions by far-sighted concessions. In economics he shared the views of Adam Smith and realized that to free America, as well as Ireland, from the heavy burdens of the

existing mercantalist system, would not only make them more prosperous but would in the long run profit the mother country. Apart, however, from any money profit, the surrender of British power to tax and control would win over the colonies and secure the greater profit of amity, coöperation, and peace. For the Colonies would become prosperous and contented, and that could not fail to enhance England's position and safety.

He was not moved by the abstract theory of narrow legalism which proved the right to repress. He opposed to it the expediency of surrendering a claim that was inefficiently enforced, and could be enforced only at huge expense. Even if success attended such efforts, it would create a subject and resentful people, a lasting source of danger to the conqueror. More was to be gained, after all, by making the colonies happy than by carefully securing their misery in the name of an unreal sovereign power. Peace and voluntary magnanimity were wise and would secure allegiance. Since nothing save an empty pride would be served by insisting on the letter of the law, it would be better to gain the reputation that comes from concession by unchallenged power than to risk having to yield on the same points when power has proved unavailing and its wielders have been discredited.

Nor could Burke see how the Americans, a large and growing people, a nation, could be found wrong. They were not a mob of ignorant persons, but a settled community, with leaders of property and education, trying to work out problems in a land they knew, far from the uninformed government that presumed to prescribe for their needs. They were also Englishmen abroad, with an English heritage, to be tied to England by sentiment, not by the harsh bonds of compulsion. They had gone there in search of liberty, to avoid the effects of a past departure from the English tradition. It was unlikely that, with the safety of distance, they would now submit to a like injustice, to claims that came with little moral force from a people itself libertarian.

Force was equally dangerous to Britain's welfare whether it succeeded or failed. In the latter case, the colonies were lost, and with them would go much prestige, while enemies abroad

might be encouraged to a trial of strength. In the former, the policy of warring on proper liberties might be applied from America to England. The foreign hirelings of a would-be despot might be encouraged to transfer their activities to English soil, to destroy the Constitution and to uproot the sacred heritage of the Revolution. The Colonies were not rebels: they were the courageous defenders of an Englishman's most cherished rights, and a British victory over them, gained with the help of the king's foreign troops from Hanover, would entail his lasting misery.

India: the Rights of a Long-Established Civilization

Burke feared similar results from the rule of the British East Indian Company in India. The wealth there gained by its servants through plunder and extortion would be used on their return to England for the corruption of government and the setting up of a new political class. Used to domination, they would willingly substitute their own despotic power for balanced constitutionalism. Moreover, the Company, arrogant and wealthy, was a real danger to English institutions, thwarting by its influence attempts by Parliament to control it and disregarding all limitations on its power.

In the case of India, Burke was also concerned with the country itself, apart from direct results on English life. That concern was, however, part of his general philosophy. Indian institutions were themselves the result of a long growth, made venerable by an antiquity far greater than that of England. A slightly sentimental view of history led him to see in place of the actual misrule of native princes a well-established and stable system of benevolent government, under which the people were happy in their determined position. They had their own code and were prosperous under it. It gave them their rights, and these they should continue to enjoy: they should not be sacrificed for the profit of Englishmen. If English rule controlled India, it could only gain justification from India's good under it. It must respect the arrangements it

there found and must, working with them, increase the benefits they gave.

Burke fiercely resented the rapacious rule of ambitious, and often unbearded, servants of the Company, whose one aim was a rapid fortune, regardless of the means taken to gain it or the effects on the natives. He could not stomach the cold-blooded ruthlessness that treated a great people as a mine to exploit, which broke solemn treaties without compunction if that were the more profitable course. Such behavior was as cruel as it was short-sighted, and to look on public faith as a mere matter of force was to undermine the prestige and honor of the nation whose citizens employed these tactics. On such a foundation no stable government could be erected, and from it would arise bitter resentment rather than gratitude and the gains of mutually profitable intercourse.

Behind this indictment, behind his savage, and to some extent unfair, onslaught on Warren Hastings, the prototype of all Company wrongs, is manifest Burke's deep humanitarianism. A conservative who unwittingly gave aid and comfort to reactionaries, he was himself full of a sense of pity, desiring the well-being of its fellow men and convinced that they should never be treated as mere pawns. His higher expediency is at bottom an insistence on peace and the general benefits of ordered intercourse. First and foremost, he wanted England's good, but he saw that as permanently possible only in a stable world where all enjoyed the well-grounded rights of their own history and environment.

*The French Revolution: Individual
Reason Run Amuck*

His attitude towards the French Revolution was, therefore, not inconsistent, granting his honest misunderstanding of its causes and his scant knowledge of the facts involved. Paine, more thoroughly informed, might with truth fling forth the accusation that Burke pitied the plumage but forgot the dying bird: to the latter that must have seemed a direct inversion of

the truth. In India, about which he knew a great deal, though lacking knowledge to be gained only by first-hand contact, he had seen legitimate and wise government destroyed by unprincipled plunderers; in France, he saw a kindly and benevolent monarchy torn up in the name of abstractions. It was the theory that was plumage, though it hardly possessed the solidity of feathers, and it was the whole ancient system of France that died in its interest.

He opposed the Revolution just because it was a break with the past, because it set up the human wisdom of shallow sophists against the slow, safe processes of time. It was made in the name of freedom, but was really opposed to it. For it brought disorder and license and destroyed everything from which freedom could spring: freedom was a spontaneous growth, not a sudden creation. He did not believe that liberty could be attained when justice was neglected, and for him justice was the fond preservation of the established position of each class in the community. The Revolution was the work of an excited mass, made in its presumed, but not its real, interest: in its course it destroyed the upper classes that had given it brilliant leadership and contained its rightful advisers. Their loss, and the want of any firm basis for construction, since the whole tenor of the Revolution was purely destructive, could only lead to anarchy and popular misery. The villainous leaders of the Revolution might desire to set up a system embracing their principles, but its theoretical nature and its neglect of human individuality, combined with their greedy lust for power, made it possible only by terrorism, not on a principle of order. The only way out would be through a dictatorship, sacrificing liberty, the supposed aim, for the sake of security and setting up a mechanical arrangement to replace the organic life that had been destroyed. The violent break with the past would destroy the very ends for which it had been undertaken. Whatever his misunderstanding of the causes, Burke did at least prophesy the coming, of Napoleon.

In its course, moreover, the Revolution would be dangerous to all around. Its specious principles would disturb the unthinking in all lands and would provoke trouble for every well-

established and benevolent government. Drunk with the heady wine of fine phrases, the French people, with the intolerant zeal of conviction, would try to proselytize by force of arms, proving a menace to all their neighbors. In freedom's name they would destroy freedom. Hence Burke, a friend of peace, urged armed intervention. For to him the harmonious life of England with its real liberties was threatened, while the sane intercourse of peoples would be rendered impossible if these enemies of the human race succeeded in their design. War was an unusual physic, but even that was justified to preserve the body politic and to prevent the loss to one's heirs of the legacy of their forefathers.

Thus Burke shows in the development of his ideas, not a sudden *volte-face*, but an unusual continuity. Doubtless he grows more heated, and more picturesque in his language, as his life advances. Some part of this is undoubtedly due to an increasing acerbity in his temper, owing to personal cares and physiological disturbances. The greater part, however, can reasonably be interpreted as a result of the intensified seriousness of the problems he faced and a growing feeling that a foolish neglect of his warnings was undermining the system he lovingly believed perfect and necessary. The first problems he tackled had only involved imperfections and abuses in an otherwise ideal scheme of government. In the affairs of America England proved unwise and short-sighted, and Burke feared that freedom might be lost through neglect. With India the danger was greater, because of the deliberate malevolence and planned corruption involved: the behavior of the Company's officers, in India and on their return home, appeared as the beginning of a sinister plot. The French Revolution was grave beyond all these. It was a threat from outside, and its aim was not to pervert, but utterly to destroy all that was sanctified in the social scheme. It was not a threat from above, a cancer in the bosom of a normally wise governing class, but a volcanic eruption from below, whose heated lava might spread out and over-run all that generations had so painstakingly built. Aspiring to the clouds, it would in fact fall in chaos and ruin.

The Value and Limitations of Burke's Position

Granted then that Burke's philosophy was a coherent conservatism, it is still necessary to analyse it with a view to discovering its defects and its values. Perhaps the most frequent comment on Burke is that he set up order as a first principle with too little concern for the type of order involved. He failed to perceive that order is only useful insofar as it offers a foundation for the promotion of happiness in the community. To sacrifice all else to attain it may stultify its very purpose, since at times disorder is a means for getting free from a deadly and tyrannical rigidity that involves the denial of welfare to those subject to its yoke.

There is some truth to this accusation, but rather as a criticism of the results he arrived at than of the premises from which he proceeded. For he argues the need of an orderly continuity, not of a mechanical order. Indeed, he fears the latter only less than revolution, from which it may spring. When men appeal to force they unchain a monster, difficult to control or direct. It removes the institutional pattern that has existed, so that when the work of destruction is over and the question of creation arises, there has to be an imposed order on which to found anew. Such an order must be mechanical, and despotism alone can make men into machines. However necessary as a foundation, this involves the negation of freedom. That is his criticism of the French Revolution and his prophecy of its immediate outcome.

What he fails to perceive is that the people, who, he rightly admits, love order, revolt not because they are led astray, but because the existing order has become tyrannical and oppressive, refusing adequate concessions and being impervious to new forces. Revolutions are not the work of a sudden whim: they come rather from the gradual growth of needs that are part of the experience of the people but that are refused admission to the social scheme by an interested and unadaptable class. Likewise he is blind to another process: people are the result of their experience, so that thoughts, customs, and arrangements of a pre-revolutionary period are not completely

wiped out by forceful change. Continuity persists despite disorder, but the revolution, removing by a major operation anachronisms and forms that have refused to disappear or to change even slowly, also brings to birth those steadily growing forces that have hitherto been strangled.

Burke did not fully understand that an established order could be as despotic as a necessary dictatorship and was even less likely to yield or gradually to create liberty than the latter. Realizing the superior freedom and justice springing from English government, he nevertheless dealt with arbitrary French absolutism as though it were balanced British constitutionalism. The reactionary and corrupt government that he attacked in England was in fact only an attempt to establish ordered absolutism and was equally deserving of praise by a friend of order as the government of France.

This seems to indicate that his object is not simply order. It is a special kind of order that would, by purity and gradual change, avoid dangerous opposition. Unfortunately the amount of innovation he approved is negligible. The existing scheme is for him a very tender organism, despite careful nurturing and a steady growth, and its digestive processes are slow and weak. The amount of novelty it can swallow is painfully small and must be pre-digested. A new dish with some vital originality in flavor can never be assimilated. Potentially an apostle of gradualism, Burke is in fact the defender of a static regime that yields to time only on trifles and at the last moment. This attitude proceeds partly from his own interests and his party position: a nominated Member of Parliament with a belief in his ability and that of his fellows, he finds genuine parliamentary reform too great a break with the past; but as a Whig he can readily attack the unsanctified methods by which his opponents consolidate their power.

He also fails, in common with even many progressives of his day, to observe, or at least to comprehend the significance of, the growth of an industrial system that was to create new problems and a new balance, making necessary, if orderly development were to continue, far greater concessions than he had dreamed of. Nevertheless, the essential idea of concession is

present, and he would doubtless have approved a swifter rate of change had he conceived it to be requisite to preserve the general scheme of government and the ruling class he knew. At the time, his effort was to insist on the principle of adaptation, while endeavoring to persuade men that very little need be conceded by the claim that any considerable change would be so sharp a departure from existing practice as to endanger the valuable elements that the latter contained.

In arguing that a government that has grown up with the country must be a depository of wisdom and a protector of the people, he fails to comprehend that it may have become so encrusted with the barnacles of ancient ways as to be useless and unsafe. Whatever its nature, it must be good for the country because it expresses that country's particular tradition. It deserves support and respect because in its history it is respectable. French king or Indian prince, caste system or privileged nobility, they must be suitable because in the past they have worked: the scheming of a trade company or the rebellion of subjects proceed alike from greed and envy. That the miseries of India may be as much due to its own potentates as to upstart foreign rulers he never realizes. Nor is he sufficiently informed about French life to understand that the Bourbons and their unthinking satellites had, by consistent extravagance and unbending disdain, succeeded through half a century in making the masses poverty-stricken and bitter.

He assumes without adequate evidence that experience in government, and particularly the experience of an hereditary ruler or class, makes for benevolence and deserves gratitude. Above all, he loves an aristocracy, true to its traditions and kind to its dependents. Among aristocracies the landed Whig gentry is pre-eminent, with a special attachment to constitutional freedom coming from its decent Revolution in 1688. He forgets entirely that such a group, while doubtless possessed of its own standards of morality, is likely from its conviction of its right to rule to resent any challenge to its power brought about by new alignments and conditions, and, far from being willing to concede, to become ever more reactionary with the passage of time. He is naïvely blind to the corrupting strength of power,

and he never sees that the aristocrat's inculcation of reverence for the past is one part prejudice for the dead and dying and nine parts defense mechanism to ward off his own deflation or extinction. Even when, aware that with continuity there is still movement, the aristocrat is willing to yield a little and to embrace newcomers, he acts only grudgingly, with the certainty that he will gain proportionately more than he concedes. Burke, an interested henchman of aristocrats, aligned himself with that group which partly for party reasons but also because they were genuinely revolted by the more blatantly tainted parts of the spoils system, stood for greater purity in public life. He remained blind to their true nature owing to a bourgeois snobishness and a mystic love even for family antiquity, as well as to a conviction that aristocrats genuinely deserved the name, being imbued with political wisdom in addition to more decorative talents.

He believes, indeed, in a species of hierarchical organization, where each stratum of society, accepting its position and protected in its rights by a living constitution, fulfills its proper function. A leisure class, aided by the bourgeoisie, carries out the more positive duties of government with a generous desire for public good. While the country was agricultural, this view of government was not entirely inadequate. But with the growth of an industrial system, characterized by mobility, impersonality, and a rapidly increasing population, it became oppressive. Aristocratic benevolence even at the best of times does not imply beneficence, owing to a conflict of interests; but the gap becomes unusually wide when the ties between ruler and dependent are broken. Industrialism also leads to an increasing awakening in the masses, who soon come to feel that virtual representation is insufficient for their needs, while the refreshing of the aristocracy by new business leaders decreases rather than aids benevolent and enlightened rule. Lastly, the growth of complexity in the problems to be solved renders leisured, but simple and untrained, leaders extremely incompetent.

Burke's thesis scarcely gained strength by his attempt to link wealth to aristocracy. The claim that inequality of power

should follow inequality of possessions on the ground that wealth gives a stake in the country, and therefore a deep-seated concern for its welfare, is not easily documented by actual examples. A desire to protect property rights does not automatically harmonize with conscientious trusteeship of the interest of the propertyless. In a feudal or patriarchal society the two may be largely compatible, but even in agrarian England the early enclosures had shown a deep divergence, and the enclosures that were about to come with changing economic life were to reveal bitter conflict. Burke had, of course, thought of property chiefly as landed property, supplemented by the profits of trade. The new wealth of industrialism made the difference of interest between the supposed protectors and the protected glaringly obvious, and offered a convincing proof that immediate self-interest on the part of the new capitalists would make the mass of the people victims rather than protégés of government. The new economic outlook that Burke approved, however beneficial in trade, was a further instrument of repression and cruelty in the industrial system. Even though his prime purpose was to defend landowners, and granting his identification of interest with them, it is still true that his failure to perceive the significance of new forces and to realize that a society divided into classes tends towards conflict rather than harmony greatly weakens the value of his work.

Certainly his philosophy offers no hope to the common man. Of the latter he expects a careful performance of his tasks, a calm deference to his superiors, and a willingness to accept their decisions as conceived for the general welfare in which he shares. To be attached to his country and to be proof against the allurements of those who would lead him from the ancient ways is the highest demonstration of his wisdom and of his capacity to enjoy the liberties granted him in a well-ordered land. That he may desire to take a more active part in affairs, that he may be capable of development or may have a claim to an equality of opportunity, never appears to Burke as a real argument against his own position. Historically the common man has been inferior and subordinate, placed almost in a position of status, and the landed gentry have ruled: continuity and the rights of

long user alike require that this arrangement should go unchanged. The French Revolution and the growth of radicalism in England were both protests against this view of history. They were demands for an equality of opportunity just because rule from above had failed to guarantee well-being to those below, whose very survival was being endangered by their lack of power in and over the state. A share in government was the only alternative to revolution, unless the people were willing to accept total degradation.

Burke's inconsiderateness follows not unnaturally from his minimizing of the importance of the present and his erroneous conception of the future. That he emphasized the unity of the past with the future through the present stands to his credit, but in so doing he sadly failed to allow for the emergence of novelty. Brought up in the old Whig tradition, he saw the new Whiggism simply as its logical continuation, not as something vitally different: it was an old class developing, not a new one emerging. He was anxious not to destroy what the past had laboriously built, and he had a fearful dread that the present, unmindful of the future, would undermine that work. This frequently led him to an unhappy confusion of the art of the statesman and the skill of the embalmer. Seeing the past as a long sweep, whose units were centuries, he failed to observe that the last decades had themselves brought gradual change, presenting valid problems for solution in the present, which, failing to deal with them, handed on unnecessary burdens to the future.

Moreover, perceiving the shortness of the present, he illogically inferred its lack of ability. Its desire for change he considered presumption, and he failed to realize that men live in the short run and must deal with their problems as they arise. Doubtless it is desirable that they should possess an historical sense, but this is useful as a basis for appropriate action, not for bemused and awed contemplation. To sacrifice the present in the interests of the future is unwise, because the needs of the future are not yet known. The men of another day are more likely to be profited if their fathers have done all they know how to settle their own problems and to hand on what they have received as greatly improved as possible. To ignore such new

factors as industrialism and modern capitalism was not historical. It led, not to conservatism, but to reaction as bad as any that Burke himself deplored.

This failure to recognize that continuity involves conscious and substantial change as well as preservation is due to a species of historical mysticism that runs through Burke's whole being. His distrust of the value of human intelligence is caused by no haughty disdain or contempt for his fellow men, but by a religious attitude. Just as Adam Smith believed in social harmony through the hidden hand of a mysterious providence, so Burke is fully convinced that there is a destiny that shapes our ends, and it is not for us to interfere with its beneficent workings, since to rough-hew them is to destroy its efficacy. Acting as its unconscious instruments, following the road of prejudice, men may accomplish wonders. Only when they try to direct their steps rationally do they go astray. This is a complete determinism by the past up to the point where Burke resents what is determined. Revolution or reaction, or any attempt to upset the British constitutional scheme as he conceived it, he will not accept as equally determined by previous events as the continued rule of his own aristocracy. They are a break with that past, a rebellion against history. This supreme illogic runs through all Burke's thought: men cannot escape the past, yet they attempt to do so and in the effort ruin all the works thereof. Reduced to its simplest elements, this is simply to say that that change which Burke and those like-minded with him approve is according to the determinism of history, while all other variations, whatever their direction, are the work of overweening pride or historical ignorance.

Such a position can be rationalized, as Burke at one point attempts to rationalize it, by an insistence that the reforms one desires are equitable, coincide with established expectations. So doing, one has to abandon the idea that government exists for the general welfare. For the demand for more radical reform and the will to violent change alike come from thwarted desire, from the feeling that government is not satisfying the most established expectation of all. Burke and Bentham both fail here, seeing clearly only the expectations of property and

position. The real problem is a conflict of expectations, and a peaceful solution can only be arrived at by harmonizing them along some *via media*. Moreover, if established expectations are to be fulfilled, the holder of a sinecure and the recipient of patronage also have rights. If there is a determinism in history, then, needs, and all that goes to their fulfillment and thwarting, are determined. If not, then Burke's philosophy, with its strange dichotomy, is simply personal prejudice; and in that too a rigid determinist would see an attempt to satisfy the needs of the individual and of his little group.

Burke's attack on reason is the result of a similar failure to push his ideas to their logical conclusion. He observes that men are not rational animals, and he defends that sentiment in their natures which attaches them to institutions through prejudice. He does not realize that prejudice may also be at the bottom of men's opposition to what is established. His attack on abstract theory, and particularly on Rousseau, comes from a fatal misunderstanding of the function of ideas. If men are naturally conservative, if they cannot escape the past, it is surely too much to expect that they will make a revolution in the name of a theory. Theories are in large part rationalizations of desire, and the volume of their influence is measured by the size of the group to whose needs they give coherent expression. To interpret the French Revolution as the work of the *philosophes*, if by that one means that they suddenly thought out some novel ideas that others from curious motives accepted and endeavored to realize, is naïve and superficial. It came clearly from real and long-lived suffering and a desire for social betterment. The thinkers whose ideas were used to support it had perceived conditions and offered a remedy. Their theories, moreover, had in the main condemned revolution, though they helped to organize discontent already existing.

Reason and prejudice may alike be reactionary, conservative, liberal, or revolutionary: both serve what their owners believe to be their interest. To treat them as though they are utterly opposed is erroneous. They differ in their consistency and clarity, and in their analytical value. The one leads more clearly to real, the other to supposed, interest. To urge preju-

dice as a desirable quality in the mass of the people is thus not entirely unwise for the philosopher of aristocracy. In the rulers, however, it may be a dubious virtue: while it may attach them to the past, it is equally likely to blind them to the present and so to narrow their minds that they become reactionary and endanger their position. A reason that does not fortify itself with history or fails to observe the current trends is more likely to be impotent than dangerous. On the other hand, a reason that works with a knowledge of tendencies will not fail to appreciate man's connection with his past and will know that change must take place subject thereto.

Bibliographical Note

The first chapter of the second volume of C. E. Vaughan's *Studies in the History of Political Philosophy* is a long and thorough analysis of Burke's political ideas. The chapter on Burke in W. Graham's *English Political Philosophy from Hobbes to Maine* is a sound exposition of what Burke said. There is a chapter in H. J. Laski's *Political Thought in England from Locke to Bentham* that sets Burke in his context, while Hearnshaw contributes to his *The Social and Political Ideas of Some Representative Thinkers of the Revolutionary Era* an essay that shows Burke's place in the stream of history. J. MacCunn's *The Political Philosophy of Edmund Burke* is a well-ordered study of that subject. For a combined study of Burke's life and ideas, J. Morley's *Burke, An Historical Criticism* is excellent. On his life, R. H. Murray's *Edmund Burke* is good, though it lacks critical analysis of his ideas. A. Cobban's *Edmund Burke and the Revolt Against the Eighteenth Century* contains illuminating material on the significance of Burke's viewpoint. The student is, however, advised to read a certain number of Burke's works themselves, since they give a better picture of the man's thought itself than any secondary work—and give it in cadenced and picturesque sentences.

CHAPTER XXV

Conclusion

HISTORY is, if not a seamless web, at least a very tightly reticulated net. Yet the strands thereof are not carefully defined and clear-cut. They run in different directions, intertwine, combine, and make curious knots. Moreover, the net is never complete, but projects itself always into the future. Hence to make a break in the analysis of the main strands in it is of necessity an artificial procedure. In the case of the subject of this volume this is peculiarly true. As was stated in the introduction, the history of political theory cannot readily be interpreted as an account of improvement or progress, but rather must be treated as the continuous reinterpretation, re-emphasis, and readaptation of certain fundamental ideas. Those ideas continue to have influence today, as they had influence two thousand years ago.

Yet from the point of view of convenience for the student, as well as in order to avoid too ponderous a tome, it is desirable to make some division. This is perhaps best made somewhere towards the end of the eighteenth century, particularly in view of American affairs. The continuity from that time on is clearer, the variety of problems and of ideas is more familiar, while the complexities of interpretation and the difficulty of selecting what is significant as we approach our own time are greater. Moreover, though no clear break occurs at any point in political thought, there emerged nevertheless a very real change of emphasis during the last quarter of the eighteenth century.

With Burke a period in the development of human thought concerning political and social problems may be said to be at an end. Burke indeed rejects the natural rights philosophy of

the eighteenth century and of Locke. He develops a type of historical conservatism that gained great favor during the period which, beginning with the Congress of Vienna, ended with the revolutions of 1848. Certainly he and De Maistre represent the forces of the reaction that prevailed in Europe during that time. Yet they *were* reactionary forces, and struggled unsuccessfully against a new view of life and the emergence of new classes, new productive techniques, and new interests. Further, Burke may well be considered as the last great exponent of the essential interests that Locke was defending, however much he may reject certain of Locke's ideas. With him there comes to its close what may be broadly described as the period of unquestioned and unquestioning aristocracy. For until his time the aristocratic assumptions are not generally or seriously challenged. Before then, at least, democratic ideas are conveniently used for aristocratic ends. Burke expresses above all the philosophy of the opponents of arbitrary autocracy, either by an individual king or by a narrow nobility, and, despite an Indian summer, that struggle is almost over.

Secondly, the period that ended with him was one dominated by theological concepts of morality. Despite the *Realpolitik* of men like Machiavelli and Hobbes, problems were generally posed in terms of ethical absolutes, of rules transcending earthly experience, to which man owed reverence apart from questions of social utility. Even the Age of Reason was in a very real sense an age of faith.

Long before Burke, indeed, economics did play a part. Yet the right to property was put forward in terms of a morality by which it was also limited, and materialist economic theories had not yet been generally developed, even though the foundations on which they would rest were securely laid. Men like Aristotle, Harrington, and Locke, as well as to a certain extent Burke himself, were, it is true, well aware of the force of property: yet they treated it always in terms of ulterior ends and did not feel that they had to give a purely economic interpretation of history. Locke indeed provided the basis for the labor theory of value of early classical and of Marxian economics.

He did so, however, without realizing the full implications of what he said.

That many of the philosophers we have considered are in some sense participants in a class struggle, a struggle first on behalf of the nation-state in its relation to feudalism, and then of the new mercantile class against the very restrictions by government that had once helped that class, is no doubt true. Yet the recognition by their authors that their philosophies are essentially a part of a class struggle is not usual, and certainly they do not consider that they are in the position of participants in the underlying class struggle. It may, of course, be true that any rising class in order to gain popular support will identify its interests with those of the community. Nevertheless one cannot escape the feeling that most of those whom we have considered were essentially sincere in that identification and were completely unaware, as against certain modern defenders of *laissez-faire* and of capitalist civilization, that they were rationalizing and were fighting for what was essentially a narrow interest. They did not realize that the emergent bourgeoisie was but a small group and that its interests were antagonistic to those of the masses. Even the philosophy of Rousseau, that most potent challenge to the whole rationalistic bourgeois outlook and the foundation stone on which later radical and proletarian theories rests, was in its immediate effect a weapon for the middle class. In the period of the English Civil War we did encounter a certain agrarian communism that was genuinely levelling. Yet it had not much to say that is relevant to the needs of a later expanding society, and its philosophy had little in common with current industrial radicalism. In any case its views were soon forgotten. The dominant philosophy remained aristocratic, founded on the assumptions that the masses must obey and that reason was a prerogative of a small social group.

Before Burke the Physiocrats did develop a more realistic economics, which had practical consequences in the land reform following the French Revolution. Yet that economics was most suited to a predominantly agricultural society. It is

notable that its more lasting influence was in America where it became the heritage of the frontier, and where it continues even today as an important, though unrecognized, part of the political philosophy of the farmer. In Burke's lifetime, too, Adam Smith developed from it, in terms of a mercantile, and increasingly industrial, society, the basic economics of the new capitalism; while Hamilton, who in his earlier period had much in common with Burke, applied that economics to the conditions of the new United States, giving to aristocratic ideas an essentially capitalistic twist. Henceforth, despite the inescapability of the problem of ethical values, and despite the occasional immediate ethical economics of men like Ruskin and the Transcendentalists, political thought was to be very largely connected with a new philosophy arising from a recognition of economic interests and from an avowed class struggle. Kings ceased to be important and feudal aristocracies became of minor significance. It was first the industrialist, and then the financier, who came to dominate society; while the masses, the proletariat, became an increasingly important force in political life and adapted ancient concepts to new situations.

Aristocratic ideas were, nevertheless, to remain influential for a considerable period. Yet the fight was to be more and more one in which they were on the defensive, with political democracy slowly fighting its way to ascendancy. Again in Burke's lifetime, Paine and Godwin, in one sense disciples of the natural rights school, are in another the heralds of viewpoints that would have shocked Locke and the *philosophes*. In a different way Bentham and the Utilitarians, who also began their activities during Burke's life, likewise represent both the democratic ideology and, in their calculating rationalism which rejected natural rights, the newer materialism. Burke stands as the end product of the Whig liberalism of John Locke, then become essentially a conservative force, and is one of the last important political thinkers of western Europe to be unaware of, or at any rate unconcerned with, the changes produced by industrialism.

Nationalism, whether connected with absolutism or with liberalism, was indeed not simply to continue an important force, but to become quite basic. Yet it was more and more an in-

dustrial nationalism, with imperialism as its outgrowth. For the kingly or aristocratic nation-state arrangement, with dynastic alliances and wars for commerce, it substituted the struggle of factory owners and bankers, supported by armament makers, for colonies and markets. Disraeli stems from Burke, but his imperial creation has little in common with the latter's ideas.

Idealists like Kant and Hegel, while they do not immediately stand as prophets of industrialism, are nevertheless precursors, the one of liberal, and the other of absolute, nationalism, both of which were potent forces in developing industrialism. Hegel, too, in view of his relation to Marx, is very largely significant in terms of later class struggles.

With Burke ends the period of confident liberal aristocracy. Henceforth the world for which he stands is increasingly on the defensive. The aristocracy of bankers and manufacturers is a new force challenging the interests with which Burke was associated. Capitalism for long enjoys a period of triumphant confidence, but mercantile and agrarian interests become of lesser importance. The old ways and the old forms of discussion do, indeed, continue. Rights, liberty, sovereignty, the nature of law, the relation of groups to the state—these and many other questions remain as before. Yet, while the basic problems may be the same, the factors to be taken into account in working out a solution are vitally different, and thinkers themselves approach the problems in a spirit that is very unlike that of those here discussed.

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